



29 providing for a preeminent state research university  
 30 to establish an institute for online learning;  
 31 providing duties and responsibilities of an advisory  
 32 board, the university, and the Board of Governors to  
 33 provide high-quality, fully online baccalaureate  
 34 degree programs, including establishment of a tuition  
 35 structure for the institute; providing for the award  
 36 of funding to preeminent state research universities  
 37 based upon performance; authorizing a preeminent state  
 38 research university to establish special course  
 39 requirements; providing for preeminent state research  
 40 university flexibility; encouraging the Board of  
 41 Governors to promote additional programs of  
 42 excellence; amending s. 1002.37, F.S.; revising and  
 43 clarifying requirements for reporting and funding a  
 44 full-time equivalent student in the Florida Virtual  
 45 School; providing requirements for funding a home  
 46 education student enrolled in the Florida Virtual  
 47 School; providing reporting requirements relating to  
 48 Florida Virtual School Global; amending s. 1002.45,  
 49 F.S.; authorizing a school district to provide part-  
 50 time virtual instruction for K-12 students in all  
 51 courses; revising requirements for the use of virtual  
 52 instruction in core-curricula courses for the purpose  
 53 of meeting class size requirements; revising  
 54 requirements for approval as a provider of virtual  
 55 instruction programs; providing requirements for  
 56 conditional approval; revising and clarifying the

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57 requirements for reporting and funding a full-time  
58 equivalent student enrolled in a virtual instruction  
59 program; amending s. 1003.498, F.S.; requiring the  
60 Department of Education to provide identifiers for  
61 courses to designate their use for blended learning  
62 courses; removing restrictions on students taking  
63 online courses across district lines; clarifying the  
64 requirements for reporting a full-time equivalent  
65 student; prohibiting a school district from requiring  
66 a public school student to take an online course at  
67 certain times or places; amending s. 1006.29, F.S.;  
68 requiring the department to publish technology  
69 requirements related to instructional materials;  
70 amending s. 1006.73, F.S.; revising purposes, duties,  
71 and responsibilities of the Florida Virtual Campus;  
72 amending s. 1006.735, F.S.; establishing the Complete  
73 Florida Degree Program and providing requirements for  
74 its implementation; amending s. 1007.271, F.S.;  
75 revising provisions relating to the full-time  
76 equivalent student membership value for dual enrolled  
77 students; revising dual enrollment articulation  
78 agreement requirements; revising funding provisions  
79 delineating costs incurred by the institution  
80 providing instruction; creating s. 1008.322, F.S.;  
81 providing Board of Governors oversight authority;  
82 requiring state university compliance with laws,  
83 rules, and regulations; authorizing certain actions  
84 for noncompliance; amending s. 1009.24, F.S.; revising

85 | certain state university student fees; amending s.  
 86 | 1009.40, F.S.; conforming provisions; amending s.  
 87 | 1009.89, F.S.; revising eligibility criteria to  
 88 | receive a William L. Boyd, IV, Florida resident access  
 89 | grant; repealing s. 1009.891, F.S., relating to the  
 90 | Access to Better Learning and Education Grant Program;  
 91 | amending s. 1009.94, F.S.; conforming provisions;  
 92 | repealing s. 1010.79, F.S., relating to the Sophomore  
 93 | Level Test Trust Fund; terminating the Sophomore Level  
 94 | Test Trust Fund and providing for the transfer of  
 95 | funds and payment of outstanding obligations; amending  
 96 | s. 1010.81, F.S.; renaming the Knott Data Center  
 97 | Working Capital Trust Fund and revising the deposit  
 98 | and use of funds; amending s. 1011.40, F.S.; providing  
 99 | requirements for maintaining fund balances in the  
 100 | education and general fund of state universities;  
 101 | amending s. 1011.61, F.S.; revising and clarifying the  
 102 | definition of a full-time equivalent student; revising  
 103 | provisions relating to funding based on student  
 104 | completion of end-of-course examinations; revising  
 105 | provisions relating to the maximum value for funding a  
 106 | student; amending s. 1011.62, F.S.; revising  
 107 | provisions relating to the full-time equivalent  
 108 | student membership value for dual enrolled students;  
 109 | creating s. 1011.622, F.S.; providing for funding  
 110 | adjustments for students without a common student  
 111 | identifier; amending s. 1011.80, F.S.; revising  
 112 | provisions relating to funding for coenrolled students

113 | in workforce education programs; creating s. 1011.815,  
 114 | F.S.; providing requirements for maintaining fund  
 115 | balances in the general fund of Florida College System  
 116 | institutions; amending ss. 1012.885, 1012.886, and  
 117 | 1012.975, and 1012.976, F.S.; extending indefinitely  
 118 | provisions relating to remuneration of Florida College  
 119 | System institution presidents, Florida College System  
 120 | institution administrative employees, state university  
 121 | presidents, and state university administrative  
 122 | employees; providing requirements for school readiness  
 123 | program eligibility, enrollment, and funding and the  
 124 | school readiness market rate schedule, notwithstanding  
 125 | certain provisions of law; specifying the formula to  
 126 | be used for the 2012-2013 fiscal year in calculating  
 127 | the alternate compliance calculation amounts to the  
 128 | class size operating categorical fund, notwithstanding  
 129 | certain provisions of law; providing effective dates.

130 |

131 | Be It Enacted by the Legislature of the State of Florida:

132 |

133 | Section 1. Paragraph (j) of subsection (7) and subsection  
 134 | (8) of section 11.45, Florida Statutes, are amended to read:

135 | 11.45 Definitions; duties; authorities; reports; rules.—

136 | (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

137 | (j) The Auditor General shall notify the Legislative  
 138 | Auditing Committee of any financial or operational audit report  
 139 | prepared pursuant to this section which indicates that a state  
 140 | university or Florida College System institution has failed to

141 take full corrective action in response to a recommendation that  
 142 was included in the two preceding financial or operational audit  
 143 reports.

144 1. The committee may direct the governing body of the  
 145 state university or Florida College System institution to  
 146 provide a written statement to the committee explaining why full  
 147 corrective action has not been taken or, if the governing body  
 148 intends to take full corrective action, describing the  
 149 corrective action to be taken and when it will occur.

150 2. If the committee determines that the written statement  
 151 is not sufficient, the committee may require the chair of the  
 152 governing body of the state university or Florida College System  
 153 institution, or the chair's designee, to appear before the  
 154 committee.

155 3. If the committee determines that the state university  
 156 or Florida College System institution has failed to take full  
 157 corrective action for which there is no justifiable reason or  
 158 has failed to comply with committee requests made pursuant to  
 159 this section, the committee shall refer the matter to the State  
 160 Board of Education or the Board of Governors, as appropriate, to  
 161 proceed in accordance with ss. 1008.32 and 1008.322,  
 162 respectively ~~may proceed in accordance with s. 11.40(2).~~

163 (8) RULES OF THE AUDITOR GENERAL.—The Auditor General, in  
 164 consultation with the Board of Accountancy, shall adopt rules  
 165 for the form and conduct of all financial audits performed by  
 166 independent certified public accountants pursuant to ss.  
 167 215.981, 218.39, 1001.453, 1004.28, and 1004.70. The rules for  
 168 audits of local governmental entities, charter schools, charter

169 technical career centers, ~~and~~ district school boards, Florida  
 170 College System institutions, and State University System  
 171 institutions must include, but are not limited to, requirements  
 172 for the reporting of information necessary to carry out the  
 173 purposes of the Local Governmental Entity, Charter School,  
 174 Charter Technical Career Center, ~~and~~ District School Board,  
 175 Florida College System Institution, and State University System  
 176 Institution Financial Emergencies Act as stated in s. 218.501.

177 Section 2. Section 218.50, Florida Statutes, is amended to  
 178 read:

179 218.50 Short title.—Sections 218.50–218.504 may be cited  
 180 as the "Local Governmental Entity, Charter School, Charter  
 181 Technical Career Center, ~~and~~ District School Board, Florida  
 182 College System Institution, and State University System  
 183 Institution Financial Emergencies Act."

184 Section 3. Section 218.501, Florida Statutes, is amended  
 185 to read:

186 218.501 Purposes.—The purposes of ss. 218.50–218.504 are:

187 (1) To promote the fiscal responsibility of local  
 188 governmental entities, charter schools, charter technical career  
 189 centers, ~~and~~ district school boards, Florida College System  
 190 institutions, and State University System institutions.

191 (2) To assist local governmental entities, charter  
 192 schools, charter technical career centers, ~~and~~ district school  
 193 boards, Florida College System institutions, and State  
 194 University System institutions in providing essential services  
 195 without interruption and in meeting their financial obligations.

196 (3) To assist local governmental entities, charter

197 schools, charter technical career centers, ~~and~~ district school  
 198 boards, Florida College System institutions, and State  
 199 University System institutions through the improvement of local  
 200 financial management procedures.

201 Section 4. Section 218.503, Florida Statutes, is amended  
 202 to read:

203 218.503 Determination of financial emergency.—

204 (1) Local governmental entities, charter schools, charter  
 205 technical career centers, ~~and~~ district school boards, Florida  
 206 College System institutions, and State University System  
 207 institutions shall be subject to review and oversight by the  
 208 Governor, the charter school sponsor, the charter technical  
 209 career center sponsor, ~~or~~ the Commissioner of Education, the  
 210 Chancellor of the Florida College System, or the Chancellor of  
 211 the State University System, as appropriate, when any one of the  
 212 following conditions occurs:

213 (a) Failure within the same fiscal year in which due to  
 214 pay short-term loans or failure to make bond debt service or  
 215 other long-term debt payments when due, as a result of a lack of  
 216 funds.

217 (b) Failure to pay uncontested claims from creditors  
 218 within 90 days after the claim is presented, as a result of a  
 219 lack of funds.

220 (c) Failure to transfer at the appropriate time, due to  
 221 lack of funds:

- 222 1. Taxes withheld on the income of employees; or
- 223 2. Employer and employee contributions for:
  - 224 a. Federal social security; or

225 |           b. Any pension, retirement, or benefit plan of an  
 226 | employee.  
 227 |           (d) Failure for one pay period to pay, due to lack of  
 228 | funds:  
 229 |           1. Wages and salaries owed to employees; or  
 230 |           2. Retirement benefits owed to former employees.  
 231 |           (2) A local governmental entity shall notify the Governor  
 232 | and the Legislative Auditing Committee; a charter school shall  
 233 | notify the charter school sponsor, the Commissioner of  
 234 | Education, and the Legislative Auditing Committee; a charter  
 235 | technical career center shall notify the charter technical  
 236 | career center sponsor, the Commissioner of Education, and the  
 237 | Legislative Auditing Committee; ~~and~~ a district school board  
 238 | shall notify the Commissioner of Education and the Legislative  
 239 | Auditing Committee; a Florida College System institution shall  
 240 | notify the Chancellor of the Florida College System and the  
 241 | Legislative Auditing Committee; and a State University System  
 242 | institution shall notify the Chancellor of the State University  
 243 | System and the Legislative Auditing Committee, when one or more  
 244 | of the conditions specified in subsection (1) have occurred or  
 245 | will occur if action is not taken to assist the local  
 246 | governmental entity, charter school, charter technical career  
 247 | center, ~~or~~ district school board, Florida College System  
 248 | institution, or State University System institution. In  
 249 | addition, any state agency must, within 30 days after a  
 250 | determination that one or more of the conditions specified in  
 251 | subsection (1) have occurred or will occur if action is not  
 252 | taken to assist the local governmental entity, charter school,

253 charter technical career center, ~~or~~ district school board,  
 254 Florida College System institution, or State University System  
 255 institution, notify the Governor, charter school sponsor,  
 256 charter technical career center sponsor, ~~or the~~ Commissioner of  
 257 Education, Chancellor of the Florida College System, or  
 258 Chancellor of the State University System, as appropriate, and  
 259 the Legislative Auditing Committee.

260 (3) Upon notification that one or more of the conditions  
 261 in subsection (1) have occurred or will occur if action is not  
 262 taken to assist the local governmental entity, ~~or~~ district  
 263 school board, Florida College System institution, or State  
 264 University System institution, the Governor or his or her  
 265 designee shall contact the local governmental entity, ~~or~~ the  
 266 Commissioner of Education or his or her designee shall contact  
 267 the district school board, the Chancellor of the Florida College  
 268 System shall contact the president of the Florida College System  
 269 institution, or the Chancellor of the State University System  
 270 shall contact the president of the State University System  
 271 institution to determine what actions have been taken ~~by the~~  
 272 ~~local governmental entity or the district school board~~ to  
 273 resolve or prevent the condition. The information requested must  
 274 be provided within 45 days after the date of the request. If the  
 275 local governmental entity or the district school board does not  
 276 comply with the request, the Governor or his or her designee or  
 277 the Commissioner of Education or his or her designee shall  
 278 notify the members of the Legislative Auditing Committee who may  
 279 take action pursuant to s. 11.40. If the Florida College System  
 280 institution or the State University System institution does not

281 comply with the request, the Chancellor of the Florida College  
 282 System or the Chancellor of the State University System shall  
 283 notify the members of the Legislative Auditing Committee who may  
 284 take action pursuant to s. 11.45(7)(j)3. The Governor, ~~or~~ the  
 285 Commissioner of Education, the Chancellor of the Florida College  
 286 System, or the Chancellor of the State University System, as  
 287 appropriate, shall determine whether the local governmental  
 288 entity, ~~or the~~ district school board, Florida College System  
 289 institution, or State University System institution needs state  
 290 assistance to resolve or prevent the condition. If state  
 291 assistance is needed, the local governmental entity, ~~or~~ district  
 292 school board, Florida College System institution, or State  
 293 University System institution is considered to be in a state of  
 294 financial emergency. The Governor, ~~or~~ the Commissioner of  
 295 Education, the Chancellor of the Florida College System, or the  
 296 Chancellor of the State University System, as appropriate, has  
 297 the authority to implement measures as set forth in ss. 218.50-  
 298 218.504 to assist ~~the local governmental entity or district~~  
 299 ~~school board~~ in resolving the financial emergency. Such measures  
 300 may include, but are not limited to:

301 (a) Requiring approval of the local governmental entity's  
 302 budget by the Governor, ~~or~~ approval of the district school  
 303 board's budget by the Commissioner of Education, approval of the  
 304 Florida College System institution's budget by the Chancellor of  
 305 the Florida College System, or approval of the State University  
 306 System institution's budget by the Chancellor of the State  
 307 University System.

308 (b) Authorizing a state loan to a local governmental

309 entity and providing for repayment of same.

310 (c) Prohibiting a local governmental entity, ~~or~~ district  
 311 school board, Florida College System institution, or State  
 312 University System institution from issuing bonds, notes,  
 313 certificates of indebtedness, or any other form of debt until  
 314 such time as it is no longer subject to this section.

315 (d) Making such inspections and reviews of records,  
 316 information, reports, and assets of the local governmental  
 317 entity, ~~or~~ district school board, Florida College System  
 318 institution, or State University System institution as are  
 319 needed. The appropriate local officials shall cooperate in such  
 320 inspections and reviews.

321 (e) Consulting with officials and auditors of the local  
 322 governmental entity, ~~or the~~ district school board, Florida  
 323 College System institution, or State University System  
 324 institution and the appropriate state officials regarding any  
 325 steps necessary to bring the books of account, accounting  
 326 systems, financial procedures, and reports into compliance with  
 327 state requirements.

328 (f) Providing technical assistance to the local  
 329 governmental entity, ~~or the~~ district school board, Florida  
 330 College System institution, or State University System  
 331 institution.

332 (g)1. Establishing a financial emergency board to oversee  
 333 the activities of the local governmental entity, ~~or the~~ district  
 334 school board, Florida College System institution, or State  
 335 University System institution. If a financial emergency board is  
 336 established for a local governmental entity, the Governor shall

337 | appoint board members and select a chair. If a financial  
 338 | emergency board is established for a district school board, the  
 339 | State Board of Education shall appoint board members and select  
 340 | a chair. If a financial emergency board is established for a  
 341 | Florida College System institution, the Chancellor of the  
 342 | Florida College System shall appoint board members and select a  
 343 | chair. If a financial emergency board is established for a State  
 344 | University System institution, the Chancellor of the State  
 345 | University System shall appoint board members and select a  
 346 | chair. The financial emergency board shall adopt such rules as  
 347 | are necessary for conducting board business. The board may:  
 348 |       a. Make such reviews of records, reports, and assets of  
 349 | the local governmental entity, ~~or the~~ district school board,  
 350 | Florida College System institution, or State University System  
 351 | institution as are needed.  
 352 |       b. Consult with officials and auditors of the local  
 353 | governmental entity, ~~or the~~ district school board, Florida  
 354 | College System institution, or State University System  
 355 | institution and the appropriate state officials regarding any  
 356 | steps necessary to bring the books of account, accounting  
 357 | systems, financial procedures, and reports of the local  
 358 | governmental entity, ~~or the~~ district school board, Florida  
 359 | College System institution, or State University System  
 360 | institution into compliance with state requirements.  
 361 |       c. Review the operations, management, efficiency,  
 362 | productivity, and financing of functions and operations of the  
 363 | local governmental entity, ~~or the~~ district school board, Florida  
 364 | College System institution, or State University System

365 institution.

366 d. Consult with other governmental entities for the  
 367 consolidation of all administrative direction and support  
 368 services, including, but not limited to, services for asset  
 369 sales, economic and community development, building inspections,  
 370 parks and recreation, facilities management, engineering and  
 371 construction, insurance coverage, risk management, planning and  
 372 zoning, information systems, fleet management, and purchasing.

373 2. The recommendations and reports made by the financial  
 374 emergency board must be submitted to the Governor for local  
 375 governmental entities, ~~or~~ to the Commissioner of Education and  
 376 the State Board of Education for district school boards, to the  
 377 Chancellor of the Florida College System for Florida College  
 378 System institutions, or to the Chancellor of the State  
 379 University System for State University System institutions for  
 380 appropriate action.

381 (h) Requiring and approving a plan, to be prepared by  
 382 officials of the local governmental entity, ~~or the~~ district  
 383 school board, Florida College System institution, or State  
 384 University System institution in consultation with the  
 385 appropriate state officials, prescribing actions that will cause  
 386 the local governmental entity, ~~or~~ district school board, Florida  
 387 College System institution, or State University System  
 388 institution to no longer be subject to this section. The plan  
 389 must include, but need not be limited to:

390 1. Provision for payment in full of obligations outlined  
 391 in subsection (1), designated as priority items, which are  
 392 currently due or will come due.

393           2. Establishment of priority budgeting or zero-based  
394 budgeting in order to eliminate items that are not affordable.

395           3. The prohibition of a level of operations which can be  
396 sustained only with nonrecurring revenues.

397           4. Provisions implementing the consolidation, sourcing, or  
398 discontinuance of all administrative direction and support  
399 services, including, but not limited to, services for asset  
400 sales, economic and community development, building inspections,  
401 parks and recreation, facilities management, engineering and  
402 construction, insurance coverage, risk management, planning and  
403 zoning, information systems, fleet management, and purchasing.

404           (4) (a) Upon notification that one or more of the  
405 conditions in subsection (1) have occurred or will occur if  
406 action is not taken to assist the charter school, the charter  
407 school sponsor or the sponsor's designee and the Commissioner of  
408 Education shall contact the charter school governing body to  
409 determine what actions have been taken by the charter school  
410 governing body to resolve or prevent the condition. The  
411 Commissioner of Education has the authority to require and  
412 approve a financial recovery plan, to be prepared by the charter  
413 school governing body, prescribing actions that will resolve or  
414 prevent the condition.

415           (b) Upon notification that one or more of the conditions  
416 in subsection (1) have occurred or will occur if action is not  
417 taken to assist the charter technical career center, the charter  
418 technical career center sponsor or the sponsor's designee and  
419 the Commissioner of Education shall contact the charter  
420 technical career center governing body to determine what actions

421 have been taken by the governing body to resolve or prevent the  
 422 condition. The Commissioner of Education may require and approve  
 423 a financial recovery plan, to be prepared by the charter  
 424 technical career center governing body, prescribing actions that  
 425 will resolve or prevent the condition.

426 (c) The Commissioner of Education shall determine if the  
 427 charter school or charter technical career center needs a  
 428 financial recovery plan to resolve the condition. If the  
 429 Commissioner of Education determines that a financial recovery  
 430 plan is needed, the charter school or charter technical career  
 431 center is considered to be in a state of financial emergency.

432  
 433 The Department of Education, with the involvement of sponsors,  
 434 charter schools, and charter technical career centers, shall  
 435 establish guidelines for developing a financial recovery plan.

436 (5) A local governmental entity, ~~or~~ district school board,  
 437 Florida College System institution, or State University System  
 438 institution may not seek application of laws under the  
 439 bankruptcy provisions of the United States Constitution except  
 440 with the prior approval of the Governor for local governmental  
 441 entities, ~~or~~ the Commissioner of Education for district school  
 442 boards, the Chancellor of the Florida College System for a  
 443 Florida College System institution, or the Chancellor of the  
 444 State University System for a State University System  
 445 institution.

446 (6) The failure of the members of the governing body of a  
 447 local governmental entity, ~~or~~ the failure of the members of a  
 448 district school board, the failure of a Florida College System

449 institution's board of trustees, or the failure of a State  
 450 University System institution's board of trustees to resolve a  
 451 state of financial emergency constitutes malfeasance,  
 452 misfeasance, and neglect of duty for purposes of s. 7, Art. IV  
 453 of the State Constitution.

454 Section 5. Section 218.504, Florida Statutes, is amended  
 455 to read:

456 218.504 Cessation of state action.—The Governor, ~~or~~ the  
 457 Commissioner of Education, the Chancellor of the Florida College  
 458 System, or the Chancellor of the State University System, as  
 459 appropriate, has the authority to terminate all state actions  
 460 pursuant to ss. 218.50-218.504. Cessation of state action must  
 461 not occur until the Governor, ~~or~~ the Commissioner of Education,  
 462 the Chancellor of the Florida College System, or the Chancellor  
 463 of the State University System, as appropriate, has determined  
 464 that:

465 (1) The local governmental entity, charter school, charter  
 466 technical career center, ~~or~~ district school board, Florida  
 467 College System institution, or State University System  
 468 institution:

469 (a) Has established and is operating an effective  
 470 financial accounting and reporting system.

471 (b) Has resolved the conditions outlined in s. 218.503(1).

472 (2) None of the conditions outlined in s. 218.503(1)  
 473 exists.

474 Section 6. Section 1001.27, Florida Statutes, is repealed.

475 Section 7. Subsections (8) and (9) of section 1001.28,  
 476 Florida Statutes, are amended to read:

477 |           1001.28 Distance learning duties.—The duties of the  
 478 | Department of Education concerning distance learning include,  
 479 | but are not limited to, the duty to:

480 |         ~~(8) Manage the state's satellite transponder resources and~~  
 481 | ~~enter into lease agreements to maximize the use of available~~  
 482 | ~~transponder time. All net revenue realized through the leasing~~  
 483 | ~~of available transponder time, after deducting the costs of~~  
 484 | ~~performing the management function, shall be recycled to support~~  
 485 | ~~the public education distance learning in this state based upon~~  
 486 | ~~an allocation formula of one third to the Department of~~  
 487 | ~~Education, one third to Florida College System institutions, and~~  
 488 | ~~one third to state universities.~~

489 |         (8)~~(9)~~ Hire appropriate staff which may include a position  
 490 | that shall be exempt from part II of chapter 110 and is included  
 491 | in the Senior Management Service in accordance with s. 110.205.

492 |  
 493 | Nothing in this section shall be construed to abrogate,  
 494 | supersede, alter, or amend the powers and duties of any state  
 495 | agency, district school board, Florida College System  
 496 | institution board of trustees, university board of trustees, the  
 497 | Board of Governors, or the State Board of Education.

498 |         Section 8. Subsection (2) of section 1001.281, Florida  
 499 | Statutes, is amended to read:

500 |         1001.281 Operating Trust Fund.—

501 |         (2) The fund is established for use as a depository for  
 502 | funds to be used for program operations funded by program  
 503 | revenues. Moneys to be credited to the trust fund include, but  
 504 | are not limited to, revenues received from the payment of fees

505 associated with high school equivalency examinations ~~leasing of~~  
 506 ~~available transponder time for the state's satellite transponder~~  
 507 ~~resources.~~

508 Section 9. Subsection (23) of section 1001.42, Florida  
 509 Statutes, is amended to read:

510 1001.42 Powers and duties of district school board.—The  
 511 district school board, acting as a board, shall exercise all  
 512 powers and perform all duties listed below:

513 (23) ~~FLORIDA VIRTUAL~~ INSTRUCTION SCHOOL.—Provide students  
 514 with access to courses available through a virtual instruction  
 515 program option or the Florida Virtual School and award credit  
 516 for successful completion of such courses. ~~Access shall be~~  
 517 ~~available to students during and after the normal school day and~~  
 518 ~~through summer school enrollment.~~

519 Section 10. Section 1001.7065, Florida Statutes, is  
 520 created to read:

521 1001.7065 Preeminent state research universities program.—

522 (1) STATE UNIVERSITY SYSTEM SHARED GOVERNANCE  
 523 COLLABORATION.—A collaborative partnership is established  
 524 between the Board of Governors and the Legislature to elevate  
 525 the academic and research preeminence of Florida's highest-  
 526 performing state research universities in accordance with this  
 527 section. The partnership stems from the State University System  
 528 Governance Agreement executed on March 24, 2010, wherein the  
 529 Board of Governors and leaders of the Legislature agreed to a  
 530 framework for the collaborative exercise of their joint  
 531 authority and shared responsibility for the State University  
 532 System. The governance agreement confirmed the commitment of the

533 Board of Governors and the Legislature to continue collaboration  
 534 on accountability measures, the use of data, and recommendations  
 535 derived from such data.

536 (2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—Effective  
 537 July 1, 2013, the following academic and research excellence  
 538 standards are established for the preeminent state research  
 539 universities program:

540 (a) An average weighted grade point average of 4.0 or  
 541 higher on a 4.0 scale and an average SAT score of 1800 or higher  
 542 for fall semester incoming freshmen, as reported annually.

543 (b) A top-50 ranking on at least two well-known and highly  
 544 respected national public university rankings, reflecting  
 545 national preeminence, using most recent rankings.

546 (c) A freshman retention rate of 90 percent or higher for  
 547 full-time, first-time-in-college students, as reported annually  
 548 to the Integrated Postsecondary Education Data System (IPEDS).

549 (d) A 6-year graduation rate of 70 percent or higher for  
 550 full-time, first-time-in-college students, as reported annually  
 551 to the IPEDS.

552 (e) Six or more faculty members at the state university  
 553 who are members of a national academy, as reported by the Center  
 554 for Measuring University Performance in the Top American  
 555 Research Universities (TARU) annual report.

556 (f) Total annual research expenditures, including federal  
 557 research expenditures, of \$200 million or more, as reported  
 558 annually by the National Science Foundation (NSF).

559 (g) Total annual research expenditures in diversified  
 560 nonmedical sciences of \$150 million or more, based on data  
 561 reported annually by the NSF.

562 (h) A top-100 university national ranking for research  
 563 expenditures in five or more science, technology, engineering,  
 564 or mathematics fields of study, as reported annually by the NSF.

565 (i) One hundred or more total patents awarded by the  
 566 United States Patent and Trademark Office for the most recent 3-  
 567 year period.

568 (j) Four hundred or more doctoral degrees awarded  
 569 annually, as reported in the Board of Governors Annual  
 570 Accountability Report.

571 (k) Two hundred or more postdoctoral appointees annually,  
 572 as reported in the TARU annual report.

573 (l) An endowment of \$500 million or more, as reported in  
 574 the Board of Governors Annual Accountability Report.

575 (3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—The  
 576 Board of Governors shall designate each state research  
 577 university that meets at least 11 of the 12 academic and  
 578 research excellence standards identified in subsection (2) a  
 579 preeminent state research university.

580 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR  
 581 ONLINE LEARNING.—The state research university that has attained  
 582 the highest level on the academic and research excellence  
 583 standards identified in subsection (2), as verified by the Board  
 584 of Governors, shall establish an institute for online learning.  
 585 The institute shall establish a robust offering of high-quality,

586 fully online baccalaureate degree programs at an affordable cost  
 587 in accordance with this subsection.

588 (a) By August 1, 2013, the Board of Governors shall  
 589 convene an advisory board to support the development of high-  
 590 quality, fully online baccalaureate degree programs at the  
 591 preeminent university.

592 (b) The advisory board shall:

593 1. Offer expert advice, as requested by the preeminent  
 594 university, in the development and implementation of a business  
 595 plan to expand the offering of high-quality, fully online  
 596 baccalaureate degree programs.

597 2. Authorize the release of funding to the preeminent  
 598 university upon approval by the Board of Governors of the plan  
 599 developed by the preeminent university.

600 3. Monitor, evaluate, and report on the implementation of  
 601 the plan to the Board of Governors, the Governor, the President  
 602 of the Senate, and the Speaker of the House of Representatives.

603 (c) The advisory board shall be composed of the following  
 604 five members:

605 1. The chair of the Board of Governors or the chair's  
 606 permanent designee.

607 2. A member with expertise in online learning, appointed  
 608 by the Board of Governors.

609 3. A member with expertise in global marketing, appointed  
 610 by the Governor.

611 4. A member with expertise in cloud virtualization,  
 612 appointed by the President of the Senate.

613 5. A member with expertise in disruptive innovation,  
 614 appointed by the Speaker of the House of Representatives.

615 (d) The president of the preeminent university shall be  
 616 consulted before the appointment of each member of the advisory  
 617 board.

618 (e) A majority of the advisory board shall constitute a  
 619 quorum, elect the chair, and appoint an executive director.

620 (f) By September 1, 2013, the university shall submit to  
 621 the advisory board a comprehensive plan to expand high-quality,  
 622 fully online baccalaureate degree program offerings. The plan  
 623 shall include:

624 1. Existing on-campus general education courses and  
 625 baccalaureate degree programs that will be offered online.

626 2. New courses that will be developed and offered online.

627 3. Support services that will be offered to students  
 628 enrolled in online baccalaureate degree programs.

629 4. A tuition and fee structure that meets the requirements  
 630 in paragraph (k) for online courses, baccalaureate degree  
 631 programs, and student support services.

632 5. A timeline for offering, marketing, and enrolling  
 633 students in the online baccalaureate degree programs.

634 6. A budget for developing and marketing the online  
 635 baccalaureate degree programs.

636 7. Detailed strategies for ensuring the success of  
 637 students and the sustainability of the online baccalaureate  
 638 degree programs.

639

640 Upon recommendation of the plan by the advisory board and  
 641 approval by the Board of Governors, the Board of Governors shall  
 642 award the university \$10 million in nonrecurring funds and \$5  
 643 million in recurring funds for fiscal year 2013-2014 and \$5  
 644 million annually thereafter, subject to appropriation in the  
 645 General Appropriations Act.

646 (g) Beginning in January 2014, the university shall offer  
 647 high-quality, fully online baccalaureate degree programs that:

648 1. Accept full-time, first-time-in-college students.

649 2. Have the same rigorous admissions criteria as  
 650 equivalent on-campus degree programs.

651 3. Offer curriculum of equivalent rigor to on-campus  
 652 degree programs.

653 4. Offer rolling enrollment or multiple opportunities for  
 654 enrollment throughout the year.

655 5. Do not require any on-campus courses. However, for  
 656 courses or programs that require clinical training or  
 657 laboratories that cannot be delivered online, the university  
 658 shall offer convenient locational options to the student, which  
 659 may include, but are not limited to, the option to complete such  
 660 requirements at a summer-in-residence on the university campus.

661 The university may provide a network of sites at convenient  
 662 locations and contract with commercial testing centers or  
 663 identify other secure testing services for the purpose of  
 664 proctoring assessments or testing.

665 6. Apply the university's existing policy for accepting  
 666 credits for both freshman applicants and transfer applicants.

667 (h) The university may offer a fully online Masters in  
 668 Business Administration degree program and other master's degree  
 669 programs.

670 (i) The university may develop and offer degree programs  
 671 and courses that are competency based as appropriate for the  
 672 quality and success of the program.

673 (j) The university shall periodically expand its offering  
 674 of online baccalaureate degree programs to meet student and  
 675 market demands.

676 (k) The university shall establish a tuition structure for  
 677 its online institute in accordance with this paragraph,  
 678 notwithstanding any other provision of law.

679 1. For students classified as residents for tuition  
 680 purposes, tuition for an online baccalaureate degree program  
 681 shall be set at no more than 75 percent of the tuition rate as  
 682 specified in the General Appropriations Act pursuant to s.  
 683 1009.24(4) and 75 percent of the tuition differential pursuant  
 684 to s. 1009.24(16). No distance learning fee, fee for campus  
 685 facilities, or fee for on-campus services may be assessed,  
 686 except that online students shall pay the university's  
 687 technology fee, financial aid fee, and Capital Improvement Trust  
 688 Fund fee. The revenues generated from the Capital Improvement  
 689 Trust Fund fee shall be dedicated to the university's institute  
 690 for online learning.

691 2. For students classified as nonresidents for tuition  
 692 purposes, tuition may be set at market rates in accordance with  
 693 the business plan.

694 3. Tuition for an online degree program shall include all  
 695 costs associated with instruction, materials, and enrollment,  
 696 excluding costs associated with the provision of textbooks  
 697 pursuant to s. 1004.085 and physical laboratory supplies.

698 4. Subject to the limitations in subparagraph 1., tuition  
 699 may be differentiated by degree program as appropriate to the  
 700 instructional and other costs of the program in accordance with  
 701 the business plan. Pricing must incorporate innovative  
 702 approaches that incentivize persistence and completion,  
 703 including, but not limited to, a fee for assessment, a bundled  
 704 or all-inclusive rate, and sliding scale features.

705 5. The university must accept advance payment contracts  
 706 and student financial aid.

707 6. Fifty percent of the net revenues generated from the  
 708 online institute of the university shall be used to enhance and  
 709 enrich the online institute offerings, and 50 percent of the net  
 710 revenues generated from the online institute shall be used to  
 711 enhance and enrich the university's campus state-of-the-art  
 712 research programs and facilities.

713 7. The institute may charge additional local user fees  
 714 pursuant to s. 1009.24(14) upon the approval of the Board of  
 715 Governors.

716 8. The institute shall submit a proposal to the president  
 717 of the university authorizing additional user fees for the  
 718 provision of voluntary student participation in activities and  
 719 additional student services.

720 (5) PREEMINENT STATE RESEARCH UNIVERSITY SUPPORT.—The  
 721 state research university that has attained the highest level on

722 the academic and research excellence standards identified in  
 723 subsection (2), as verified by the Board of Governors, shall  
 724 submit to the Board of Governors a 5-year benchmark plan with  
 725 target rankings on key performance metrics for national  
 726 excellence. Upon approval by the Board of Governors, and upon  
 727 the university's meeting the benchmark plan goals annually, the  
 728 Board of Governors shall award the university \$15 million  
 729 annually throughout the 5-year period. Funding for this purpose  
 730 is contingent upon specific appropriation in the General  
 731 Appropriations Act.

732 (6) PREEMINENT STATE RESEARCH UNIVERSITY ENHANCEMENT  
 733 INITIATIVE.—The state research university that has attained the  
 734 second highest level on the academic and research excellence  
 735 standards identified in subsection (2), as verified by the Board  
 736 of Governors, shall submit to the Board of Governors a 5-year  
 737 benchmark plan with target rankings on key performance metrics  
 738 for national excellence. Upon the university's meeting the  
 739 benchmark plan goals annually, the Board of Governors shall  
 740 award the university \$12.5 million annually throughout the 5-  
 741 year period for the purpose of recruiting National Academy  
 742 Members, expediting the provision of a master's degree in cloud  
 743 virtualization, and instituting an entrepreneurs-in-residence  
 744 program throughout its campus. Funding for this purpose is  
 745 contingent upon specific appropriation in the General  
 746 Appropriations Act.

747 (7) PREEMINENT STATE RESEARCH UNIVERSITY SPECIAL COURSE  
 748 REQUIREMENT AUTHORITY.—In order to provide a jointly shared  
 749 educational experience, a university that is designated a

750 preeminent state research university may require its incoming  
 751 first-time-in-college students to take a 9-to-12-credit set of  
 752 unique courses specifically determined by the university and  
 753 published on the university's website. The university may  
 754 stipulate that credit for such courses may not be earned through  
 755 any acceleration mechanism pursuant to s. 1007.27 or s. 1007.271  
 756 or any other transfer credit. All accelerated credits earned up  
 757 to the limits specified in ss. 1007.27 and 1007.271 shall be  
 758 applied toward graduation at the student's request.

759 (8) PREEMINENT STATE RESEARCH UNIVERSITY FLEXIBILITY  
 760 AUTHORITY.—The Board of Governors is encouraged to identify and  
 761 grant all reasonable, feasible authority and flexibility to  
 762 ensure that a designated preeminent state research university is  
 763 free from unnecessary restrictions.

764 (9) PROGRAMS OF EXCELLENCE THROUGHOUT THE STATE UNIVERSITY  
 765 SYSTEM.—The Board of Governors is encouraged to establish  
 766 standards and measures whereby individual programs in state  
 767 universities that objectively reflect national excellence can be  
 768 identified and make recommendations to the Legislature as to how  
 769 any such programs could be enhanced and promoted.

770 Section 11. Paragraph (a) of subsection (3), subsection  
 771 (6), and paragraph (b) of subsection (8) of section 1002.37,  
 772 Florida Statutes, are amended to read:

773 1002.37 The Florida Virtual School. —

774 (3) Funding for the Florida Virtual School shall be  
 775 provided as follows:

776 (a)1. For a student in grades 9 through 12, a "full-time  
 777 equivalent student" is one student who has successfully

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778 completed six full-credit courses that count toward the minimum  
779 number of credits required for high school graduation. A student  
780 who completes fewer than six full-credit courses is a fraction  
781 of a full-time equivalent student. Half-credit course  
782 completions shall be included in determining a full-time  
783 equivalent student. ~~Credit completed by a student in excess of~~  
784 ~~the minimum required for that student for high school graduation~~  
785 ~~is not eligible for funding.~~

786 2. For a student in kindergarten through grade 8, a "full-  
787 time equivalent student" is one student who has successfully  
788 completed six courses or the prescribed level of content that  
789 counts toward promotion to the next grade. A student who  
790 completes fewer than six courses or the prescribed level of  
791 content shall be a fraction of a full-time equivalent student.

792 3. For a student in a home education program, funding  
793 shall be provided in accordance with this subsection upon course  
794 completion if the parent verifies, upon enrollment for each  
795 course, that the student is registered with the school district  
796 as a home education student pursuant to s. 1002.41(1)(a).

797 ~~Beginning in the 2014-2015 fiscal year, when s. 1008.22(3)(g) is~~  
798 ~~implemented, the reported full-time equivalent students and~~  
799 ~~associated funding of students enrolled in courses requiring~~  
800 ~~passage of an end-of-course assessment shall be adjusted after~~  
801 ~~the student completes the end-of-course assessment. However, no~~  
802 ~~adjustment shall be made for home education program students who~~  
803 ~~choose not to take an end-of-course assessment.~~

804  
805 For purposes of this paragraph, the calculation of "full-time

806 equivalent student" shall be as prescribed in s.  
 807 1011.61(1)(c)1.b.(V) and is subject to the requirements in s.  
 808 1011.61(4).

809 (6) The board of trustees shall annually submit to the  
 810 Governor, the Legislature, the Commissioner of Education, and  
 811 the State Board of Education a complete and detailed report  
 812 setting forth:

813 (a) The operations and accomplishments of the Florida  
 814 Virtual School within the state and those occurring outside the  
 815 state as Florida Virtual School Global.

816 (b) The marketing and operational plan for the Florida  
 817 Virtual School and Florida Virtual School Global, including  
 818 recommendations regarding methods for improving the delivery of  
 819 education through the Internet and other distance learning  
 820 technology.

821 (c) The assets and liabilities of the Florida Virtual  
 822 School and Florida Virtual School Global at the end of the  
 823 fiscal year.

824 (d) A copy of an annual financial audit of the accounts  
 825 and records of the Florida Virtual School and Florida Virtual  
 826 School Global, conducted by an independent certified public  
 827 accountant and performed in accordance with rules adopted by the  
 828 Auditor General.

829 (e) Recommendations regarding the unit cost of providing  
 830 services to students through the Florida Virtual School and  
 831 Florida Virtual School Global. In order to most effectively  
 832 develop public policy regarding any future funding of the  
 833 Florida Virtual School, it is imperative that the cost of the

834 program is accurately identified. The identified cost of the  
 835 program must be based on reliable data.

836 (f) Recommendations regarding an accountability mechanism  
 837 to assess the effectiveness of the services provided by the  
 838 Florida Virtual School and Florida Virtual School Global.

839 (8)

840 (b) For students receiving part-time instruction in  
 841 kindergarten through grade 5 and students receiving full-time  
 842 instruction in kindergarten through grade 12 from the Florida  
 843 Virtual School, the full-time equivalent student enrollment  
 844 calculated under this subsection is subject to the requirements  
 845 in s. 1011.61(4) combined total of all FTE reported by both the  
 846 school district and the Florida Virtual School may not exceed  
 847 1.0 FTE.

848 Section 12. Paragraphs (b), (c), and (d) of subsection  
 849 (1), paragraph (a) of subsection (2), and subsection (7) of  
 850 section 1002.45, Florida Statutes, are amended to read:

851 1002.45 Virtual instruction programs.—

852 (1) PROGRAM.—

853 (b) Each school district that is eligible for the sparsity  
 854 supplement pursuant to s. 1011.62(7) (a) and (b) shall provide  
 855 all enrolled public school students within its boundaries the  
 856 option of participating in part-time and full-time virtual  
 857 instruction programs. Each school district that is not eligible  
 858 for the sparsity supplement pursuant to s. 1011.62(7) (a) and (b)  
 859 shall provide at least three options for part-time and full-time  
 860 virtual instruction. All school districts must provide parents  
 861 with timely written notification of at least one open enrollment

862 period for full-time students of 90 days or more which ends 30  
 863 days before the first day of the school year. The purpose of the  
 864 program is to make quality virtual instruction available to  
 865 students using online and distance learning technology in the  
 866 nontraditional classroom. A school district virtual instruction  
 867 program shall consist of the following:

868 1. Full-time and part-time virtual instruction for  
 869 students enrolled in kindergarten through grade 12.

870 ~~2. Part-time virtual instruction for students enrolled in~~  
 871 ~~kindergarten through grade 12 courses that are measured pursuant~~  
 872 ~~to subparagraph (8)(a)2.~~

873 ~~2.3.~~ Full-time or part-time virtual instruction for  
 874 students enrolled in dropout prevention and academic  
 875 intervention programs under s. 1003.53, Department of Juvenile  
 876 Justice education programs under s. 1003.52, core-curricula  
 877 courses delivered in a virtual learning laboratory on a school  
 878 campus to meet class size requirements under s. 1003.03, or  
 879 Florida College System institutions under this section.

880 (c) To provide students with the option of participating  
 881 in virtual instruction programs as required by paragraph (b), a  
 882 school district may:

883 1. Contract with the Florida Virtual School or establish a  
 884 franchise of the Florida Virtual School for the provision of a  
 885 program under paragraph (b). Using this option is subject to the  
 886 requirements of this section and s. 1011.61(1)(c)1.b.(III) and  
 887 (IV) and (4) ~~1011.61(1)(e)1.b.(III) and (IV).~~

888 2. Contract with an approved provider under subsection (2)  
 889 for the provision of a full-time or part-time program under

890 paragraph (b) ~~subparagraph (b)1. or subparagraph (b)3. or a~~  
 891 ~~part-time program under subparagraph (b)2. or subparagraph (b)3.~~

892 3. Enter into an agreement with other school districts to  
 893 allow the participation of its students in an approved virtual  
 894 instruction program provided by the other school district. The  
 895 agreement must indicate a process for the transfer of funds  
 896 required by paragraph (7)(e) ~~(7)(f)~~.

897 4. Establish school district operated part-time or full-  
 898 time kindergarten through grade 12 virtual instruction programs  
 899 under paragraph (b) for students enrolled in the school  
 900 district. A full-time program shall operate under its own Master  
 901 School Identification Number.

902 5. Enter into an agreement with a virtual charter school  
 903 authorized by the school district under s. 1002.33.

904  
 905 Contracts under subparagraph 1. or subparagraph 2. may include  
 906 multidistrict contractual arrangements that may be executed by a  
 907 regional consortium for its member districts. A multidistrict  
 908 contractual arrangement or an agreement under subparagraph 3. is  
 909 not subject to s. 1001.42(4)(d) and does not require the  
 910 participating school districts to be contiguous. These  
 911 arrangements may be used to fulfill the requirements of  
 912 paragraph (b).

913 (d) A virtual charter school may provide full-time virtual  
 914 instruction for students in kindergarten through grade 12 if the  
 915 virtual charter school has a charter approved pursuant to s.  
 916 1002.33 authorizing full-time virtual instruction. A virtual  
 917 charter school may:

- 918 | 1. Contract with the Florida Virtual School.
- 919 | 2. Contract with an approved provider under subsection
- 920 | (2).
- 921 | 3. Enter into an agreement with a school district to allow
- 922 | the participation of the virtual charter school's students in
- 923 | the school district's virtual instruction program. The agreement
- 924 | must indicate a process for reporting of student enrollment and
- 925 | the transfer of funds required by paragraph (7) (e) ~~(7) (f)~~.
- 926 | (2) PROVIDER QUALIFICATIONS.—
- 927 | (a) The department shall annually publish online a list of
- 928 | providers approved to offer virtual instruction programs. To be
- 929 | approved by the department, a provider must document that it:
- 930 | 1. Is nonsectarian in its programs, admission policies,
- 931 | employment practices, and operations;
- 932 | 2. Complies with the antidiscrimination provisions of s.
- 933 | 1000.05;
- 934 | 3. ~~Locates an administrative office or offices in this~~
- 935 | ~~state, requires its administrative staff to be state residents,~~
- 936 | Requires all instructional staff to be Florida-certified
- 937 | teachers under chapter 1012~~7~~, and conducts background screenings
- 938 | for all employees or contracted personnel, as required by s.
- 939 | 1012.32, using state and national criminal history records;
- 940 | 4. Provides to parents and students specific information
- 941 | posted and accessible online that includes, but is not limited
- 942 | to, the following teacher-parent and teacher-student contact
- 943 | information for each course:
- 944 | a. How to contact the instructor via phone, e-mail, or
- 945 | online messaging tools.

- 946        b. How to contact technical support via phone, e-mail, or  
947 online messaging tools.
- 948        c. How to contact the administration office via phone, e-  
949 mail, or online messaging tools.
- 950        d. Any requirement for regular contact with the instructor  
951 for the course and clear expectations for meeting the  
952 requirement.
- 953        e. The requirement that the instructor in each course  
954 must, at a minimum, conduct one contact via phone with the  
955 parent and the student each month.
- 956        5.4. Possesses prior, successful experience offering  
957 online courses to elementary, middle, or high school students as  
958 demonstrated by quantified student learning gains in each  
959 subject area and grade level provided for consideration as an  
960 instructional program option. However, for a provider without  
961 sufficient prior, successful experience offering online courses,  
962 the department may conditionally approve the provider to offer  
963 courses measured pursuant to subparagraph (8) (a)2. Conditional  
964 approval shall be valid for 1 school year only and, based on the  
965 provider's experience in offering the courses, the department  
966 shall determine whether to grant approval to offer a virtual  
967 instruction program;
- 968        6.5. Is accredited by a regional accrediting association as  
969 defined by State Board of Education rule;
- 970        7.6. Ensures instructional and curricular quality through a  
971 detailed curriculum and student performance accountability plan  
972 that addresses every subject and grade level it intends to  
973 provide through contract with the school district, including:

974 a. Courses and programs that meet the standards of the  
 975 International Association for K-12 Online Learning and the  
 976 Southern Regional Education Board.

977 b. Instructional content and services that align with, and  
 978 measure student attainment of, student proficiency in the Next  
 979 Generation Sunshine State Standards.

980 c. Mechanisms that determine and ensure that a student has  
 981 satisfied requirements for grade level promotion and high school  
 982 graduation with a standard diploma, as appropriate;

983 ~~8.7.~~ Publishes for the general public, in accordance with  
 984 disclosure requirements adopted in rule by the State Board of  
 985 Education, as part of its application as a provider and in all  
 986 contracts negotiated pursuant to this section:

987 a. Information and data about the curriculum of each full-  
 988 time and part-time program.

989 b. School policies and procedures.

990 c. Certification status and physical location of all  
 991 administrative and instructional personnel.

992 d. Hours and times of availability of instructional  
 993 personnel.

994 e. Student-teacher ratios.

995 f. Student completion and promotion rates.

996 g. Student, educator, and school performance  
 997 accountability outcomes;

998 ~~9.8.~~ If the provider is a Florida College System  
 999 institution, employs instructors who meet the certification  
 1000 requirements for instructional staff under chapter 1012; and

1001 ~~10.9.~~ Performs an annual financial audit of its accounts

1002 and records conducted by an independent certified public  
 1003 accountant which is in accordance with rules adopted by the  
 1004 Auditor General, is conducted in compliance with generally  
 1005 accepted auditing standards, and includes a report on financial  
 1006 statements presented in accordance with generally accepted  
 1007 accounting principles.

1008 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL  
 1009 FUNDING.—

1010 (a) Students enrolled in a virtual instruction program or  
 1011 a virtual charter school shall be funded through the Florida  
 1012 Education Finance Program as provided in the General  
 1013 Appropriations Act. However, such funds may not be provided for  
 1014 the purpose of fulfilling the class size requirements in ss.  
 1015 1003.03 and 1011.685.

1016 (b) For purposes of a virtual instruction program or a  
 1017 virtual charter school, "full-time equivalent student" has the  
 1018 same meaning as provided in s. 1011.61(1)(c)1.b.(III) or (IV).

1019 (c) For a student enrolled in a kindergarten through grade  
 1020 12 virtual instruction program, a "full-time equivalent student"  
 1021 has the same meaning as provided in s. 1011.61(1)(c)1.b.(III)  
 1022 and (IV).

1023 (d) The full-time equivalent student enrollment calculated  
 1024 under this subsection is subject to the requirements in s.  
 1025 1011.61(4). ~~A student may not be reported as more than 1.0 full-~~  
 1026 ~~time equivalent student in any given school year.~~

1027 ~~(e) Beginning in the 2014-2015 fiscal year, when s.~~  
 1028 ~~1008.22(3)(g) is implemented, the reported full-time equivalent~~  
 1029 ~~students and associated funding of students enrolled in courses~~

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1030 ~~requiring passage of an end-of-course assessment shall be~~  
 1031 ~~adjusted after the student completes the end-of-course~~  
 1032 ~~assessment.~~

1033 (e) ~~(f)~~ The school district providing virtual instruction  
 1034 shall report full-time equivalent students for a virtual  
 1035 instruction program or a virtual charter school, including  
 1036 credits completed during the summer, to the department in a  
 1037 manner prescribed by the department, and funding shall be  
 1038 provided through the Florida Education Finance Program.

1039 (f) ~~(g)~~ A Florida College System institution provider may  
 1040 not report students who are served in a virtual instruction  
 1041 program for funding under the Florida College System Program  
 1042 Fund.

1043 Section 13. Section 1003.498, Florida Statutes, is amended  
 1044 to read:

1045 1003.498 School district virtual course offerings.-

1046 (1) School districts may deliver courses in the  
 1047 traditional school setting by personnel certified pursuant to s.  
 1048 1012.55 who provide direct instruction through virtual  
 1049 instruction or through blended learning courses consisting of  
 1050 both traditional classroom and online instructional techniques.  
 1051 Students in a blended learning course must be full-time students  
 1052 of the school and receive the online instruction in a classroom  
 1053 setting at the school. The funding, performance, and  
 1054 accountability requirements for blended learning courses are the  
 1055 same as those for traditional courses. To facilitate the  
 1056 delivery and coding of blended learning courses, the department  
 1057 shall provide identifiers for existing courses to designate that

1058 | they are being used for blended learning courses for the purpose  
 1059 | of ensuring the efficient reporting of such courses.

1060 | (2) School districts may offer virtual courses for  
 1061 | students enrolled in the school district. These courses must be  
 1062 | identified in the course code directory. Students who meet the  
 1063 | eligibility requirements of s. 1002.455 may participate in these  
 1064 | virtual course offerings.

1065 | (a) Any eligible student who is enrolled in a school  
 1066 | district may register and enroll in an online course offered by  
 1067 | his or her school district.

1068 | (b)1. Any eligible student who is enrolled in a school  
 1069 | district may register and enroll in an online course offered by  
 1070 | any other school district in the state, ~~except as limited by the~~  
 1071 | ~~following:~~

1072 | ~~1. A student may not enroll in a course offered through a~~  
 1073 | ~~virtual instruction program provided pursuant to s. 1002.45.~~

1074 | ~~2. A student may not enroll in a virtual course offered by~~  
 1075 | ~~another school district if:~~

1076 | ~~a. The course is offered online by the school district in~~  
 1077 | ~~which the student resides; or~~

1078 | ~~b. The course is offered in the school in which the~~  
 1079 | ~~student is enrolled. However, a student may enroll in an online~~  
 1080 | ~~course offered by another school district if the school in which~~  
 1081 | ~~the student is enrolled offers the course but the student is~~  
 1082 | ~~unable to schedule the course in his or her school.~~

1083 | 3. The school district in which the student completes the  
 1084 | course shall report the student's completion of that course for  
 1085 | funding pursuant to s. 1011.61(1)(c)1.b.(VI), and the home

1086 school district shall not report the student for funding for  
 1087 that course.

1088 2. The full-time equivalent student enrollment calculated  
 1089 under this subsection is subject to the requirements in s.  
 1090 1011.61(4). ~~For purposes of this paragraph, the combined total~~  
 1091 ~~of all school district reported FTE may not be reported as more~~  
 1092 ~~than 1.0 full-time equivalent student in any given school year.~~  
 1093 The Department of Education shall establish procedures to enable  
 1094 interdistrict coordination for the delivery and funding of this  
 1095 online option.

1096 (3) A school district may not require a public school  
 1097 student to take a course outside the school day that is in  
 1098 addition to the student's courses for a given term or on school  
 1099 grounds.

1100 Section 14. Subsection (4) of section 1006.29, Florida  
 1101 Statutes, is renumbered as subsection (5), and a new subsection  
 1102 (4) is added to that section to read:

1103 1006.29 State instructional materials reviewers.—

1104 (4) By October 1, 2013, the department shall publish  
 1105 minimum and recommended technology requirements that include  
 1106 specifications for hardware, software, networking, security, and  
 1107 guidelines on the number of students per device necessary to  
 1108 ensure that students can access all electronic and digital  
 1109 instructional materials.

1110 Section 15. Paragraphs (b), (c), and (d) of subsection  
 1111 (1), subsection (2), paragraphs (b) and (c) of subsection (5),  
 1112 and subsection (6) of section 1006.73, Florida Statutes, are  
 1113 amended, and paragraph (i) is added to subsection (5) of that

1114 section, to read:

1115 1006.73 Florida Virtual Campus.—

1116 (1) The Florida Virtual Campus is established to provide  
 1117 access to online student and library support services and to  
 1118 serve as a statewide resource and clearinghouse for public  
 1119 postsecondary education distance learning courses and degree  
 1120 programs. The primary purposes of the Florida Virtual Campus are  
 1121 to:

1122 (b) Provide information and ~~Enhance and expand educational~~  
 1123 ~~access to distance learning courses and degree programs offered~~  
 1124 ~~by the state's and increase~~ public postsecondary education  
 1125 ~~institutions degree attainment across the state.~~

1126 (c) Coordinate with the Florida College System and the  
 1127 State University System to identify and provide online academic  
 1128 support services and resources when the multi-institutional  
 1129 provision of such services and resources is more cost or  
 1130 operationally effective. ~~Address the educational needs of~~  
 1131 ~~traditional students, place-bound students, time-bound students,~~  
 1132 ~~and adult learners.~~

1133 ~~(d) Increase workforce skills and expand professional~~  
 1134 ~~development opportunities.~~

1135 (2) The chancellors of the Florida College System and the  
 1136 State University System shall exercise joint oversight of the  
 1137 Florida Virtual Campus and shall establish its governance and  
 1138 reporting structure, administrative and operational guidelines  
 1139 and processes, staffing requirements, and operational budget.  
 1140 Effective January 31, 2014, all data center services needed by  
 1141 the Florida Virtual Campus shall be provided by the Northwest

1142 Regional Data Center ~~a primary data center~~ established pursuant  
 1143 to ~~s. ss. 282.201 and 1004.649.~~ The chancellors may delegate the  
 1144 authority and responsibility granted in this subsection.

1145 (a) In carrying out the purposes of this section:

1146 1. The campus is not an "agency" as defined in s.  
 1147 20.03(11) and is not subject to chapter 287.

1148 2. The campus shall be deemed to be acting as an  
 1149 instrumentality of the state for purposes of sovereign immunity  
 1150 pursuant to s. 768.28(2).

1151 3. All records of the campus are public records unless  
 1152 made confidential or exempt from law.

1153 (b) The campus shall maintain an unencumbered balance of  
 1154 not less than 5 percent of its approved operating budget.

1155 (c) The campus may secure comprehensive general liability  
 1156 coverage, professional liability coverage, property and casualty  
 1157 coverage, and any other insurance coverage deemed appropriate by  
 1158 the chancellors.

1159 (d) The campus may contract for administrative services  
 1160 with a public postsecondary education institution. The  
 1161 administrative overhead costs charged by the institution may not  
 1162 exceed the actual cost of providing the services and shall  
 1163 require a specific appropriation in the General Appropriations  
 1164 Act.

1165 (5) The Florida Virtual Campus shall:

1166 (b) Develop and manage a statewide Internet-based catalog  
 1167 of distance learning courses, degree programs, and resources  
 1168 offered by public postsecondary education institutions which is  
 1169 intended to assist in the coordination and collaboration of

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1170 articulation and access pursuant to parts II and III of chapter  
1171 1007. The campus shall establish operational guidelines and  
1172 procedures for the catalog which must:

1173 1. Require participating institutions to provide  
1174 information concerning the distance learning course or degree  
1175 program to include course number and classification of  
1176 instructional programs number and information on the  
1177 availability of the course or degree program; the type of  
1178 required technology; any prerequisite course or technology  
1179 competency or skill; the availability of academic support  
1180 services and financial aid resources; and course costs, fees,  
1181 and payment policies.

1182 2. Require that distance learning courses and degree  
1183 programs meet applicable accreditation standards and criteria.

1184 3. Require that, at a minimum, the catalog is reviewed at  
1185 the start of each academic semester to ensure that distance  
1186 learning courses and degree programs comply with all operational  
1187 guidelines and procedures.

1188 4. Define and describe the catalog's search and retrieval  
1189 options that, at a minimum, will allow users to search by  
1190 academic term or course start date; institution, multiple  
1191 institutions, or all institutions; and course or program  
1192 delivery method, course type, course availability, subject or  
1193 discipline, and course number or classification of instructional  
1194 programs number.

1195 ~~5.4.~~ Use an Internet-based analytic tool that allows for  
1196 the collection and analysis of data, including, but not limited  
1197 to:

1198           a. The number and type of students who use the catalog to  
 1199 search for distance learning courses and degree programs.

1200           b. The number and type of requests for information on  
 1201 distance learning courses and degree programs that are not  
 1202 listed in the catalog.

1203           c. A summary of specific requests by course type or course  
 1204 number, delivery method, offering institution, and semester.

1205           ~~6.5.~~ Periodically obtain and analyze data from the Florida  
 1206 College System and the State University System concerning:

1207           a. Costs of distance learning courses and degree programs.

1208           b. Completion, graduation, and retention rates of students  
 1209 enrolled in distance learning course and degree programs.

1210           c. Distance learning course completion.

1211           (c) Implement a streamlined, automated, online admissions  
 1212 application process for undergraduate transient students who are  
 1213 currently enrolled and pursuing a degree at a public  
 1214 postsecondary education institution and who enroll in a course  
 1215 offered by a public postsecondary education institution that is  
 1216 not the student's degree-granting institution. The Florida  
 1217 Virtual Campus shall work with the Florida College System and  
 1218 the State University System to implement this process which  
 1219 requires all Florida College System institutions and state  
 1220 universities to:

1221           1. Use the transient student admissions application  
 1222 available through the statewide computer-assisted student  
 1223 advising system established pursuant to paragraph (d). This  
 1224 admissions application is the only application required for the  
 1225 enrollment of a transient student as described in this

1226 paragraph.

1227       2. Implement the financial aid procedures required by the

1228 transient student admissions application process.

1229       3. Transfer credit awarded by the institutions offering

1230 the course to the transient student's degree-granting

1231 institution.

1232       4. ~~By December 1, 2012,~~ Provide for an interface between

1233 the institutional advising system and the statewide computer-

1234 assisted student advising system established pursuant to

1235 paragraph (d) in order to electronically send, receive, and

1236 process the transient student admissions application.

1237       (i) In consultation with the public postsecondary

1238 education institutions, develop and implement a plan that

1239 describes the services and resources available at the Florida

1240 Virtual Campus to encourage current and prospective students'

1241 use of such services and resources.

1242       (6) Beginning September 30, 2013, and annually thereafter,

1243 the chancellors of the Florida College System and the State

1244 University System shall jointly publish a report regarding the

1245 activities of the Florida Virtual Campus in the prior fiscal

1246 year. The report shall include, but not be limited to,

1247 information related to the provision of library services and

1248 electronic resources, to include those resources licensed

1249 pursuant to s. 1006.72; distance learning resources; the

1250 computer-assisted student advising system; the transient student

1251 online admissions process; and other provided programs,

1252 activities, and services.

1253       Section 16.    Section 1006.735, Florida Statutes, is

1254 amended to read:

1255 1006.735 Complete Florida Degree Program Completion ~~Pilot~~  
 1256 ~~Project.~~—

1257 (1) The Complete Florida Degree Program Completion ~~Pilot~~  
 1258 ~~Project~~ is established for the purpose of recruiting,  
 1259 recovering, and retaining the state's adult learners and  
 1260 assisting them in completing an associate degree or a  
 1261 baccalaureate degree that is aligned to high-wage, high-skill  
 1262 workforce needs. As used in this section, the term "adult  
 1263 learner" means a student who has successfully completed college-  
 1264 level coursework in multiple semesters but has left an  
 1265 institution in good standing before completing his or her  
 1266 degree. The program ~~pilot project~~ shall give priority to adult  
 1267 learners who are veterans or active duty members of the United  
 1268 States Armed Forces.

1269 (2) The Complete Florida Degree Program ~~pilot project~~  
 1270 shall be implemented by the University of West Florida, acting  
 1271 as the lead institution, in coordination with Florida College  
 1272 System institutions, state universities, and private  
 1273 postsecondary institutions, as appropriate. ~~The program; the~~  
 1274 ~~University of South Florida; Florida State College at~~  
 1275 ~~Jacksonville; and St. Petersburg College~~ and shall include the  
 1276 associate, applied baccalaureate, and baccalaureate degree  
 1277 programs that these institutions have selected. Other partnering  
 1278 public postsecondary education institutions shall provide areas  
 1279 of specialization or concentration.

1280 (3) For purposes of selecting the degree programs that  
 1281 will be given priority in the Complete Florida Degree Program

1282 ~~pilot project~~, the institutions identified in subsection (2)  
 1283 shall partner with public and private job recruitment and  
 1284 placement agencies and use labor market data and projections,  
 1285 including those identified in the Board of Governors' Commission  
 1286 on Higher Education Access and Educational Attainment gap  
 1287 analysis, to identify the specific workforce needs and targeted  
 1288 occupations of the state.

1289 (4) The Complete Florida Degree Program ~~pilot project~~  
 1290 shall provide adult learners with a single point of access to  
 1291 information and links to innovative online and accelerated  
 1292 distance learning courses, student and library support services,  
 1293 and electronic resources that will guide the adult learner  
 1294 toward the successful completion of a postsecondary degree.

1295 (5) By the end of ~~Beginning with the~~ 2013-2014 ~~2012-2013~~  
 1296 academic year, the Complete Florida Degree Program ~~pilot project~~  
 1297 shall be implemented and must:

1298 (a) Use the distance learning course catalog established  
 1299 pursuant to s. 1006.73 to communicate course availability to the  
 1300 adult learner.

1301 (b) Develop and implement an advising and student support  
 1302 system that includes the use of degree completion specialists,  
 1303 is based upon best practices and processes, and includes  
 1304 academic and career support services designed specifically for  
 1305 the adult learner. The program must identify proposed changes to  
 1306 the statewide computer-assisted student advising system  
 1307 established pursuant to s. 1006.73 to assist the adult learner  
 1308 in using the system.

1309 (c) Use the streamlined, automated, online admissions

1310 application process for transient students established pursuant  
 1311 to s. 1006.73. The program ~~pilot-project~~ shall identify any  
 1312 additional admissions and registration policies and practices  
 1313 that could be further streamlined and automated for purposes of  
 1314 assisting the adult learner.

1315 (d) Use existing and, if necessary, develop new  
 1316 competency-based instructional and evaluation tools to assess  
 1317 prior performance, experience, and education for the award of  
 1318 college credit in order to reduce the time required for adult  
 1319 learners to complete their degrees. The tools may include the  
 1320 use of the American Council on Education's collaborative link  
 1321 between the United States Department of Defense and higher  
 1322 education through the review of military training and  
 1323 experiences for the award of equivalent college credit for  
 1324 members of the United States Armed Forces.

1325 (e) Develop and implement an evaluation process that  
 1326 collects, analyzes, and provides to the chancellors of the  
 1327 Florida College System and the State University System, the  
 1328 participating postsecondary education institutions, the chairs  
 1329 of the legislative appropriations committees, and the Executive  
 1330 Office of the Governor information on the effectiveness of the  
 1331 program ~~pilot-project~~ and the attainment of its goals. Such a  
 1332 process shall include a management information system that  
 1333 collects the appropriate student, programmatic, and fiscal data  
 1334 necessary to complete the evaluation of the program ~~pilot~~  
 1335 ~~project~~. Institutions involved in the program ~~pilot-project~~  
 1336 shall also collect job placement and employment data on the  
 1337 adult learners who have completed their degrees as a result of

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1338 the program ~~pilot project~~.

1339 (f) Develop and implement a statewide student recruitment  
1340 ~~marketing~~ campaign targeted toward ~~recruiting~~ adult learners,  
1341 particularly veterans and active duty members of the United  
1342 States Armed Forces, for enrollment in the degree programs  
1343 offered through the program ~~pilot project~~.

1344 (6) For purposes of the Complete Florida Degree Program  
1345 ~~pilot project~~, each institution's current tuition and fee  
1346 structure shall be used. However, all participating institutions  
1347 shall collaboratively identify the applicable cost components  
1348 involved in the development and delivery of distance learning  
1349 courses, collect information on these cost components, and  
1350 submit the information to the ~~Florida Virtual Campus~~. The  
1351 chancellors of the Florida College System and the State  
1352 University System. The chancellors shall submit a report to the  
1353 chairs of the legislative appropriations committees no later  
1354 than December 31, 2014 ~~2013~~, on the need for a differentiated  
1355 tuition and fee structure for the development and delivery of  
1356 distance learning courses.

1357 (7) The University of West Florida, in collaboration with  
1358 its partners ~~the University of South Florida, Florida State~~  
1359 ~~College at Jacksonville, and St. Petersburg College~~, shall  
1360 submit to the chairs of the Board of Governors, the State Board  
1361 of Education, and the legislative appropriations committees no  
1362 later than September 1, 2013 ~~June 1, 2012~~, a detailed program  
1363 ~~project~~ plan that defines the major work activities, student  
1364 eligibility criteria, timeline, and cost for implementing the  
1365 Complete Florida Degree Program ~~pilot project~~.

1366 ~~(8) The University of West Florida, in collaboration with~~  
 1367 ~~the University of South Florida, Florida State College at~~  
 1368 ~~Jacksonville, and St. Petersburg College, shall develop and~~  
 1369 ~~implement a transition plan that transfers the administration of~~  
 1370 ~~the pilot project to the Florida Virtual Campus no later than~~  
 1371 ~~June 30, 2013.~~

1372 Section 17. Subsections (2) and (4) and paragraph (n) of  
 1373 subsection (21) of section 1007.271, Florida Statutes, are  
 1374 amended to read:

1375 1007.271 Dual enrollment programs.—

1376 (2) For the purpose of this section, an eligible secondary  
 1377 student is a student who is enrolled in a Florida public  
 1378 secondary school or in a Florida private secondary school which  
 1379 is in compliance with s. 1002.42(2) and provides a secondary  
 1380 curriculum pursuant to s. 1003.428, s. 1003.429, or s. 1003.43.  
 1381 Students who are eligible for dual enrollment pursuant to this  
 1382 section may enroll in dual enrollment courses conducted during  
 1383 school hours, after school hours, and during the summer term.  
 1384 However, if the student is projected to graduate from high  
 1385 school before the scheduled completion date of a postsecondary  
 1386 course, the student may not register for that course through  
 1387 dual enrollment. The student may apply to the postsecondary  
 1388 institution and pay the required registration, tuition, and fees  
 1389 if the student meets the postsecondary institution's admissions  
 1390 requirements under s. 1007.263. Instructional time for dual  
 1391 enrollment may vary from 900 hours; however, the full-time  
 1392 equivalent student membership value shall be subject to the  
 1393 provisions in school district may only report the student for a

1394 ~~maximum of 1.0 FTE, as provided in s. 1011.61(4).~~ Any student  
 1395 enrolled as a dual enrollment student is exempt from the payment  
 1396 of registration, tuition, and laboratory fees. Vocational-  
 1397 preparatory instruction, college-preparatory instruction, and  
 1398 other forms of precollegiate instruction, as well as physical  
 1399 education courses that focus on the physical execution of a  
 1400 skill rather than the intellectual attributes of the activity,  
 1401 are ineligible for inclusion in the dual enrollment program.  
 1402 Recreation and leisure studies courses shall be evaluated  
 1403 individually in the same manner as physical education courses  
 1404 for potential inclusion in the program.

1405 (4) District school boards may not refuse to enter into a  
 1406 dual enrollment articulation agreement with a local Florida  
 1407 College System institution if that Florida College System  
 1408 institution has the capacity to offer dual enrollment courses. ~~A  
 1409 Florida College System institution may limit dual enrollment  
 1410 participation based upon capacity. Such limitation must be  
 1411 clearly specified in the dual enrollment articulation agreement.~~

1412 (21) Each district school superintendent and Florida  
 1413 College System institution president shall develop a  
 1414 comprehensive dual enrollment articulation agreement for the  
 1415 respective school district and Florida College System  
 1416 institution. The superintendent and president shall establish an  
 1417 articulation committee for the purpose of developing the  
 1418 agreement. Each state university president may designate a  
 1419 university representative to participate in the development of a  
 1420 dual enrollment articulation agreement. A dual enrollment  
 1421 articulation agreement shall be completed and submitted annually

1422 by the Florida College System institution to the Department of  
 1423 Education on or before August 1. The agreement must include, but  
 1424 is not limited to:

1425 (n) A funding provision that delineates costs incurred by  
 1426 each entity. School districts shall pay the standard tuition  
 1427 rate per credit hour from funds provided in the Florida  
 1428 Education Finance Program to the institution providing  
 1429 instruction when such instruction takes place on the  
 1430 postsecondary campus ~~should share funding~~ to cover instructional  
 1431 and support costs incurred by the postsecondary institution.  
 1432 When dual enrollment is provided on the high school site by  
 1433 postsecondary institution faculty, the school district shall  
 1434 reimburse the costs associated with the proportion of salary and  
 1435 benefits and other actual costs of the postsecondary institution  
 1436 to provide the instruction. When dual enrollment is provided on  
 1437 the high school site by school district faculty, the school  
 1438 district shall be responsible only for the postsecondary  
 1439 institution's actual costs associated with offering the program.  
 1440 A postsecondary institution may enter into an agreement with the  
 1441 school district to authorize teachers who teach dual enrollment  
 1442 courses at the high school site or the postsecondary  
 1443 institution. A school district may not deny a student access to  
 1444 dual enrollment unless the student is ineligible to participate  
 1445 in the program subject to provisions specifically outlined in  
 1446 this section.

1447 Section 18. Section 1008.322, Florida Statutes, is created  
 1448 to read:

1449 1008.322 Board of Governors oversight authority.—

1450       (1) The Board of Governors of the State University System  
 1451 shall oversee the performance of state university boards of  
 1452 trustees in the enforcement of laws, rules, and regulations.  
 1453 State university boards of trustees shall be primarily  
 1454 responsible for compliance with laws and board rules and  
 1455 regulations.

1456       (2) The Board of Governors' constitutional authority to  
 1457 operate, regulate, control, and be fully responsible for the  
 1458 management of the whole university system mandates that the  
 1459 state universities comply with all requests by the board for  
 1460 information, data, and reports. The state university presidents  
 1461 are responsible for the accuracy of the information and data  
 1462 reported to the board.

1463       (3) The Chancellor of the State University System may  
 1464 investigate allegations of noncompliance with law or board rule  
 1465 or regulation and determine probable cause. The chancellor shall  
 1466 report determinations of probable cause to the board, which  
 1467 shall require the university board of trustees to document  
 1468 compliance with law or board rule or regulation.

1469       (4) If the university board of trustees cannot  
 1470 satisfactorily document compliance, the board may order  
 1471 compliance within a specified timeframe.

1472       (5) If the board determines that a university board of  
 1473 trustees is unwilling or unable to comply with law or board rule  
 1474 or regulation within the specified time, the board, in addition  
 1475 to actions constitutionally authorized, has the authority to  
 1476 initiate any of the following actions:

1477       (a) Report to the Legislature that the university has been

1478 unwilling or unable to comply with law or board rule or  
 1479 regulation and recommend action to be taken by the Legislature.

1480 (b) Withhold the transfer of state funds, discretionary  
 1481 grant funds, or any other funds specified as eligible for this  
 1482 purpose by the Legislature until the university complies with  
 1483 the law or board rule or regulation.

1484 (c) Declare the university ineligible for competitive  
 1485 grants.

1486 (6) Nothing in this section shall be construed to create a  
 1487 private cause of action or create any rights for individuals or  
 1488 entities in addition to those provided elsewhere in law, rule,  
 1489 or regulation.

1490 Section 19. Paragraph (e) of subsection (4), subsection  
 1491 (7), paragraph (c) of subsection (8), and subsection (13) of  
 1492 section 1009.24, Florida Statutes, are amended to read:

1493 1009.24 State university student fees.—

1494 (4)

1495 (e) The sum of the activity and service, health, and  
 1496 athletic fees a student is required to pay to register for a  
 1497 course shall not exceed 40 percent of the sum of tuition and the  
 1498 tuition differential established in law or in the General  
 1499 Appropriations Act. No university shall be required to lower any  
 1500 fee in effect on the effective date of this act in order to  
 1501 comply with this subsection. Within the 40 percent cap,  
 1502 universities may not increase the aggregate sum of activity and  
 1503 service, health, and athletic fees more than 5 percent per year,  
 1504 or the same percentage increase in tuition authorized under  
 1505 paragraph (b), whichever is greater, unless specifically

1506 | authorized in law or in the General Appropriations Act. A  
 1507 | university may increase its athletic fee to defray the costs  
 1508 | associated with changing National Collegiate Athletic  
 1509 | Association divisions. Any such increase in the athletic fee may  
 1510 | exceed both the 40 percent cap and the 5 percent cap imposed by  
 1511 | this subsection. Any such increase must be approved by the  
 1512 | athletic fee committee in the process outlined in subsection  
 1513 | (12) and cannot exceed \$2 per credit hour. Notwithstanding the  
 1514 | provisions of ss. 1009.534, 1009.535, and 1009.536, that portion  
 1515 | of any increase in an athletic fee pursuant to this subsection  
 1516 | that causes the sum of the activity and service, health, and  
 1517 | athletic fees to exceed the 40 percent cap or the annual  
 1518 | increase in such fees to exceed the 5 percent cap shall not be  
 1519 | included in calculating the amount a student receives for a  
 1520 | Florida Academic Scholars award, a Florida Medallion Scholars  
 1521 | award, or a Florida Gold Seal Vocational Scholars award.  
 1522 | Notwithstanding this paragraph and subject to approval by the  
 1523 | board of trustees, each state university is authorized to exceed  
 1524 | the 5-percent cap on the annual increase to the aggregate sum of  
 1525 | activity and service, health, and athletic fees for the 2010-  
 1526 | 2011 fiscal year. Any such increase shall not exceed 15 percent  
 1527 | or the amount required to reach the 2009-2010 fiscal year  
 1528 | statewide average for the aggregate sum of activity and service,  
 1529 | health, and athletic fees at the main campuses, whichever is  
 1530 | greater. The aggregate sum of the activity and service, health,  
 1531 | and athletic fees shall not exceed 40 percent of tuition. Any  
 1532 | increase in the activity and service fee, health fee, or  
 1533 | athletic fee must be approved by the appropriate fee committee

1534 pursuant to subsection (10), subsection (11), or subsection  
 1535 (12).

1536 (7) A university board of trustees is authorized to  
 1537 collect for financial aid purposes an amount not to exceed 5  
 1538 percent of the sum of tuition, the tuition differential, and  
 1539 out-of-state fees ~~fee~~. The revenues from fees are to remain at  
 1540 each campus and replace existing financial aid fees. Such funds  
 1541 shall be disbursed to students as quickly as possible. A minimum  
 1542 of 75 percent of funds from the student financial aid fee shall  
 1543 be used to provide financial aid based on absolute need. The  
 1544 Board of Governors shall develop criteria for making financial  
 1545 aid awards. Each university shall report annually to the Board  
 1546 of Governors and the Department of Education on the revenue  
 1547 collected pursuant to this subsection, the amount carried  
 1548 forward, the criteria used to make awards, the amount and number  
 1549 of awards for each criterion, and a delineation of the  
 1550 distribution of such awards. The report shall include an  
 1551 assessment by category of the financial need of every student  
 1552 who receives an award, regardless of the purpose for which the  
 1553 award is received. Awards which are based on financial need  
 1554 shall be distributed in accordance with a nationally recognized  
 1555 system of need analysis approved by the Board of Governors. An  
 1556 award for academic merit shall require a minimum overall grade  
 1557 point average of 3.0 on a 4.0 scale or the equivalent for both  
 1558 initial receipt of the award and renewal of the award.

1559 (8)

1560 (c) The fee may not exceed 20 ~~10~~ percent of the sum of  
 1561 tuition and the tuition differential for resident students or 20

1562 | ~~10~~ percent of the sum of tuition, the tuition differential, and  
 1563 | out-of-state fees for nonresident students. The fee for resident  
 1564 | students shall be limited to an increase of \$3 ~~\$2~~ per credit  
 1565 | hour over the prior year. The Capital Improvement Trust Fund fee  
 1566 | may be used to fund any project or real property acquisition  
 1567 | that meets the requirements of chapter 1013. The Division of  
 1568 | Bond Finance of the State Board of Administration shall analyze  
 1569 | any proposed reductions to the Capital Improvement Trust Fund  
 1570 | fee to ensure consistency with prudent financial management of  
 1571 | the bond program associated with the revenues from the fee. The  
 1572 | Board of Governors shall approve any proposed fee reductions  
 1573 | provided that no such reduction reduces the fee below the level  
 1574 | established in paragraph (a).

1575 |         (13) Each university board of trustees may establish a  
 1576 | technology fee of up to 5 percent of the sum of tuition and the  
 1577 | tuition differential per credit hour. The revenue from this fee  
 1578 | shall be used to enhance instructional technology resources for  
 1579 | students and faculty. The technology fee may not be included in  
 1580 | any award under the Florida Bright Futures Scholarship Program  
 1581 | established pursuant to ss. 1009.53-1009.538.

1582 |         Section 20. Paragraph (a) of subsection (1) of section  
 1583 | 1009.40, Florida Statutes, is amended to read:

1584 |         1009.40 General requirements for student eligibility for  
 1585 | state financial aid awards and tuition assistance grants.—

1586 |         (1) (a) The general requirements for eligibility of  
 1587 | students for state financial aid awards and tuition assistance  
 1588 | grants consist of the following:

1589 |             1. Achievement of the academic requirements of and

1590 acceptance at a state university or Florida College System  
 1591 institution; a nursing diploma school approved by the Florida  
 1592 Board of Nursing; a Florida college or university which is  
 1593 accredited by an accrediting agency recognized by the State  
 1594 Board of Education; any Florida institution the credits of which  
 1595 are acceptable for transfer to state universities; any career  
 1596 center; or any private career institution accredited by an  
 1597 accrediting agency recognized by the State Board of Education.

1598       2. Residency in this state for no less than 1 year  
 1599 preceding the award of aid or a tuition assistance grant for a  
 1600 program established pursuant to s. 1009.50, s. 1009.505, s.  
 1601 1009.51, s. 1009.52, s. 1009.53, s. 1009.56, s. 1009.60, s.  
 1602 1009.62, s. 1009.68, s. 1009.72, s. 1009.73, s. 1009.77, or s.  
 1603 1009.89, ~~or s. 1009.891~~. Residency in this state must be for  
 1604 purposes other than to obtain an education. Resident status for  
 1605 purposes of receiving state financial aid awards shall be  
 1606 determined in the same manner as resident status for tuition  
 1607 purposes pursuant to s. 1009.21.

1608       3. Submission of certification attesting to the accuracy,  
 1609 completeness, and correctness of information provided to  
 1610 demonstrate a student's eligibility to receive state financial  
 1611 aid awards or tuition assistance grants. Falsification of such  
 1612 information shall result in the denial of any pending  
 1613 application and revocation of any award or grant currently held  
 1614 to the extent that no further payments shall be made.  
 1615 Additionally, students who knowingly make false statements in  
 1616 order to receive state financial aid awards or tuition  
 1617 assistance grants commit a misdemeanor of the second degree

1618 subject to the provisions of s. 837.06 and shall be required to  
 1619 return all state financial aid awards or tuition assistance  
 1620 grants wrongfully obtained.

1621 Section 21. Subsections (1), (3), and (4) of section  
 1622 1009.89, Florida Statutes, are amended to read:

1623 1009.89 The William L. Boyd, IV, Florida resident access  
 1624 grants.—

1625 (1) The Legislature finds and declares that independent  
 1626 private ~~nonprofit~~ colleges and universities eligible to  
 1627 participate in the William L. Boyd, IV, Florida Resident Access  
 1628 Grant Program are an integral part of the higher education  
 1629 system in this state and that a significant number of state  
 1630 residents choose this form of higher education. The Legislature  
 1631 further finds that a strong and viable system of independent  
 1632 private ~~nonprofit~~ colleges and universities reduces the tax  
 1633 burden on the citizens of the state. Because the William L.  
 1634 Boyd, IV, Florida Resident Access Grant Program is not related  
 1635 to a student's financial need or other criteria upon which  
 1636 financial aid programs are based, it is the intent of the  
 1637 Legislature that the William L. Boyd, IV, Florida Resident  
 1638 Access Grant Program not be considered a financial aid program  
 1639 but rather a tuition assistance program for Florida residents  
 1640 ~~its citizens~~.

1641 (3) The department shall issue through the program a  
 1642 William L. Boyd, IV, Florida resident access grant to any full-  
 1643 time student seeking a baccalaureate or associate degree who is  
 1644 ~~degree-seeking undergraduate student~~ registered at an  
 1645 independent private ~~nonprofit~~ college or university which has

1646 | been ~~is~~ located in ~~and chartered by~~ the state for 10 years or  
 1647 | more; which is accredited by the Commission on Colleges of the  
 1648 | Southern Association of Colleges and Schools, the Middle States  
 1649 | Association of Colleges and Schools, the North Central  
 1650 | Association of Colleges and Schools, or the New England  
 1651 | Association of Colleges and Schools; which grants baccalaureate  
 1652 | degrees; which is not a state university or Florida College  
 1653 | System institution; and which has a secular purpose, so long as  
 1654 | the receipt of state aid by students at the institution would  
 1655 | not have the primary effect of advancing or impeding religion or  
 1656 | result in an excessive entanglement between the state and any  
 1657 | religious sect. Any independent college or university that was  
 1658 | eligible to receive tuition vouchers on January 1, 1989, and  
 1659 | which continues to meet the criteria under which its eligibility  
 1660 | was established, shall remain eligible to receive William L.  
 1661 | Boyd, IV, Florida resident access grant payments.

1662 | (4) A person is eligible to receive such William L. Boyd,  
 1663 | IV, Florida resident access grant if:

1664 | (a) He or she meets the general requirements, including  
 1665 | residency, for student eligibility as provided in s. 1009.40,  
 1666 | except as otherwise provided in this section;

1667 | (b)1. He or she is enrolled as a full-time undergraduate  
 1668 | student seeking a baccalaureate or associate degree at an  
 1669 | eligible private college or university;

1670 | 2. He or she is not enrolled in a program of study leading  
 1671 | to a degree in theology or divinity; and

1672 | 3. He or she is making satisfactory academic progress as  
 1673 | defined by the college or university in which he or she is

1674 enrolled; and

1675 (c) He or she submits a Free Application for Federal  
 1676 Student Aid which is complete and error free prior to  
 1677 disbursement.

1678 Section 22. Section 1009.891, Florida Statutes, is  
 1679 repealed.

1680 Section 23. Paragraph (c) of subsection (2) of section  
 1681 1009.94, Florida Statutes, is amended to read:

1682 1009.94 Student financial assistance database.—

1683 (2) For purposes of this section, financial assistance  
 1684 includes:

1685 (c) Any financial assistance provided under s. 1009.50, s.  
 1686 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.55, s.  
 1687 1009.56, s. 1009.60, s. 1009.62, s. 1009.68, s. 1009.70, s.  
 1688 1009.701, s. 1009.72, s. 1009.73, s. 1009.74, s. 1009.77, or s.  
 1689 1009.89, ~~or s. 1009.891.~~

1690 Section 24. Section 1010.79, Florida Statutes, is  
 1691 repealed.

1692 Section 25. (1) The Sophomore Level Test Trust Fund, FLAIR  
 1693 number 48-2-646, within the Department of Education is  
 1694 terminated.

1695 (2) All current balances remaining in, and all revenues  
 1696 of, the trust fund shall be transferred to the General Revenue  
 1697 Fund.

1698 (3) The Department of Education shall pay any outstanding  
 1699 debts or obligations of the terminated trust fund as soon as  
 1700 practicable, and the Chief Financial Officer shall close out and  
 1701 remove the terminated trust fund from the various state

1702 accounting systems using generally accepted accounting  
 1703 principles concerning warrants outstanding, assets, and  
 1704 liabilities.

1705 Section 26. Section 1010.81, Florida Statutes, is amended  
 1706 to read:

1707 1010.81 Education ~~Knott Data Center~~ Working Capital Trust  
 1708 Fund. ~~Chapter 99-29, Laws of Florida, re-created~~ The Education  
 1709 ~~Knott Data Center~~ Working Capital Trust Fund shall be  
 1710 administered by the Department of Education as a depository for  
 1711 funds received to record the revenue from fees paid for services  
 1712 provided by the department's technology office, interest  
 1713 earnings, and cash advances from customer entities. Moneys  
 1714 deposited in the trust fund shall be used to fund the services  
 1715 provided by the department's technology office ~~Department of~~  
 1716 ~~Education's data center and disbursements to pay the costs of~~  
 1717 ~~operating the data center as authorized in s. 216.272.~~

1718 Section 27. Subsection (5) is added to section 1011.40,  
 1719 Florida Statutes, to read:

1720 1011.40 Budgets for universities.—

1721 (5) GUIDELINES FOR EDUCATION AND GENERAL FUND.—

1722 (a) Each state university shall maintain an education and  
 1723 general fund ending fund balance that is sufficient to address  
 1724 normal contingencies and to meet the requirements in subsection  
 1725 (2).

1726 (b) If at any time the portion of the education and  
 1727 general fund's ending fund balance not classified as restricted,  
 1728 committed, or nonspendable in the institution's approved  
 1729 operating budget is projected to fall below 3 percent of the

1730 projected education and general fund revenues during the current  
 1731 fiscal year, the university's board of trustees shall provide  
 1732 written notification to the Board of Governors and the  
 1733 Chancellor of the State University System.

1734 (c) If at any time the portion of the education and  
 1735 general fund's ending fund balance not classified as restricted,  
 1736 committed, or nonspendable in the institution's approved  
 1737 operating budget is projected to fall below 2 percent of  
 1738 projected education and general fund revenues during the current  
 1739 fiscal year, the university's board of trustees shall provide  
 1740 written notification to the Board of Governors and the  
 1741 Chancellor of the State University System. Within 14 days after  
 1742 receiving such notification, if the chancellor determines that  
 1743 the institution does not have a plan that is reasonably  
 1744 anticipated to avoid a financial emergency as determined  
 1745 pursuant to s. 218.503, the chancellor shall appoint a financial  
 1746 emergency board that shall operate under the requirements,  
 1747 powers, and duties specified in s. 218.503(3)(g).

1748 Section 28. Paragraph (c) of subsection (1) and subsection  
 1749 (4) of section 1011.61, Florida Statutes, are amended to read:

1750 1011.61 Definitions.—Notwithstanding the provisions of s.  
 1751 1000.21, the following terms are defined as follows for the  
 1752 purposes of the Florida Education Finance Program:

1753 (1) A "full-time equivalent student" in each program of  
 1754 the district is defined in terms of full-time students and part-  
 1755 time students as follows:

1756 (c)1. A "full-time equivalent student" is:

1757 a. A full-time student in any one of the programs listed

1758 | in s. 1011.62(1)(c); or

1759 |       b. A combination of full-time or part-time students in any  
1760 | one of the programs listed in s. 1011.62(1)(c) which is the  
1761 | equivalent of one full-time student based on the following  
1762 | calculations:

1763 |       (I) A full-time student in a combination of programs  
1764 | listed in s. 1011.62(1)(c) shall be a fraction of a full-time  
1765 | equivalent membership in each program equal to the number of net  
1766 | hours per school year for which he or she is a member, divided  
1767 | by the appropriate number of hours set forth in subparagraph  
1768 | (a)1. or subparagraph (a)2. The difference between that fraction  
1769 | or sum of fractions and the maximum value as set forth in  
1770 | subsection (4) for each full-time student is presumed to be the  
1771 | balance of the student's time not spent in a nonbasic program  
1772 | and shall be recorded as time in the appropriate basic program.  
1773 | ~~The sum of the fractions for each program may not exceed the~~  
1774 | ~~maximum value set forth in subsection (4).~~

1775 |       (II) A prekindergarten student with a disability shall  
1776 | meet the requirements specified for kindergarten students.

1777 |       (III) A full-time equivalent student for students in  
1778 | kindergarten through grade 12 in a full-time virtual instruction  
1779 | program under s. 1002.45 or a virtual charter school under s.  
1780 | 1002.33 shall consist of six full-credit completions or the  
1781 | prescribed level of content that counts toward promotion to the  
1782 | next grade in programs listed in s. 1011.62(1)(c). Credit  
1783 | completions may be a combination of full-credit courses or half-  
1784 | credit courses. ~~Beginning in the 2014-2015 fiscal year, when s.~~  
1785 | ~~1008.22(3)(g) is implemented, the reported full-time equivalent~~

1786 ~~students and associated funding of students enrolled in courses~~  
 1787 ~~requiring passage of an end-of-course assessment shall be~~  
 1788 ~~adjusted after the student completes the end-of-course~~  
 1789 ~~assessment.~~

1790 (IV) A full-time equivalent student for students in  
 1791 kindergarten through grade 12 in a part-time virtual instruction  
 1792 program under s. 1002.45 shall consist of six full-credit  
 1793 completions in programs listed in s. 1011.62(1)(c)1. and 3.  
 1794 Credit completions may be a combination of full-credit courses  
 1795 or half-credit courses. ~~Beginning in the 2014-2015 fiscal year,~~  
 1796 ~~when s. 1008.22(3)(g) is implemented, the reported full-time~~  
 1797 ~~equivalent students and associated funding of students enrolled~~  
 1798 ~~in courses requiring passage of an end-of-course assessment~~  
 1799 ~~shall be adjusted after the student completes the end-of-course~~  
 1800 ~~assessment.~~

1801 (V) A Florida Virtual School full-time equivalent student  
 1802 shall consist of six full-credit completions or the prescribed  
 1803 level of content that counts toward promotion to the next grade  
 1804 in the programs listed in s. 1011.62(1)(c)1. and 3. for students  
 1805 participating in kindergarten through grade 12 part-time virtual  
 1806 instruction and the programs listed in s. 1011.62(1)(c) for  
 1807 students participating in kindergarten through grade 12 full-  
 1808 time virtual instruction. Credit completions may be a  
 1809 combination of full-credit courses or half-credit courses.  
 1810 ~~Beginning in the 2014-2015 fiscal year, when s. 1008.22(3)(g) is~~  
 1811 ~~implemented, the reported full-time equivalent students and~~  
 1812 ~~associated funding of students enrolled in courses requiring~~  
 1813 ~~passage of an end-of-course assessment shall be adjusted after~~

1814 ~~the student completes the end-of-course assessment.~~

1815 (VI) Each successfully completed full-credit course earned  
 1816 through an online course delivered by a district other than the  
 1817 one in which the student resides shall be calculated as 1/6  
 1818 FTE.

1819 (VII) Each successfully completed credit earned under the  
 1820 alternative high school course credit requirements authorized in  
 1821 s. 1002.375, which is not reported as a portion of the 900 net  
 1822 hours of instruction pursuant to subparagraph (1)(a)1., shall be  
 1823 calculated as 1/6 FTE.

1824 ~~(VIII) (A) A full-time equivalent student for courses~~  
 1825 ~~requiring a statewide, standardized end-of-course assessment~~  
 1826 ~~pursuant to s. 1008.22(3)(c)2.a. shall be defined and reported~~  
 1827 ~~based on the number of instructional hours as provided in this~~  
 1828 ~~subsection for the first 3 years of administering the end-of-~~  
 1829 ~~course assessment. Beginning in the fourth year of administering~~  
 1830 ~~the end-of-course assessment, the FTE shall be credit-based and~~  
 1831 ~~each course shall be equal to 1/6 FTE. The reported FTE shall~~  
 1832 ~~be adjusted after the student successfully completes the end-of-~~  
 1833 ~~course assessment pursuant to s. 1008.22(3)(c)2.a.~~

1834 ~~(B)~~ For students enrolled in a school district as a full-  
 1835 time student, the district may report 1/6 FTE for each student  
 1836 who passes a statewide, standardized end-of-course assessment  
 1837 without being enrolled in the corresponding course.

1838 ~~(C) The FTE earned under this sub-sub-subparagraph and any~~  
 1839 ~~FTE for courses or programs listed in s. 1011.62(1)(c) that do~~  
 1840 ~~not require passing a statewide, standardized end-of-course~~  
 1841 ~~assessment are subject to the requirements in subsection (4).~~

1842           2. A student in membership in a program scheduled for more  
 1843 or less than 180 school days or the equivalent on an hourly  
 1844 basis as specified by rules of the State Board of Education is a  
 1845 fraction of a full-time equivalent membership equal to the  
 1846 number of instructional hours in membership divided by the  
 1847 appropriate number of hours set forth in subparagraph (a)1.;  
 1848 however, for the purposes of this subparagraph, membership in  
 1849 programs scheduled for more than 180 days is limited to students  
 1850 enrolled in:

- 1851           a. Juvenile justice education programs.
- 1852           b. ~~and~~ The Florida Virtual School.
- 1853           c. Virtual instruction programs and virtual charter  
 1854 schools pursuant to ss. 1002.45 and 1003.498 for the purpose of  
 1855 course completion and credit recovery.

1856           3. The department shall determine and implement an  
 1857 equitable method of equivalent funding for experimental schools  
 1858 and for schools operating under emergency conditions, which  
 1859 schools have been approved by the department to operate for less  
 1860 than the minimum school day.

1861  
 1862 The full-time equivalent student enrollment calculated under  
 1863 this subsection is subject to the requirements in subsection  
 1864 (4).

1865           (4) The maximum value for funding a student in  
 1866 kindergarten through grade 12 or in a prekindergarten program  
 1867 for exceptional children as provided in s. 1003.21(1)(e) shall  
 1868 be the sum of the calculations in paragraphs (a), (b), and (c)  
 1869 as calculated by the department ~~is one full-time equivalent~~

1870 ~~student membership for a school year or equivalent.~~

1871 (a) The sum of the student's full-time equivalent student  
 1872 membership value for the school year or the equivalent derived  
 1873 from paragraphs (1)(a) and (b), subparagraph (1)(c)1., sub-  
 1874 subparagraphs (1)(c)2.b. and c., subparagraph (1)(c)3., and  
 1875 subsection (2). If the sum is greater than 1.0, the full-time  
 1876 equivalent student membership value for each program or course  
 1877 shall be reduced by an equal proportion so that the student's  
 1878 total full-time equivalent student membership value is equal to  
 1879 1.0.

1880 (b) If the result in paragraph (a) is less than 1.0 full-  
 1881 time equivalent student and the student has full-time equivalent  
 1882 student enrollment pursuant to sub-sub-subparagraph  
 1883 (1)(c)1.b.(VIII), calculate an amount that is the lesser of the  
 1884 value in sub-sub-subparagraph (1)(c)1.b.(VIII) or the value of  
 1885 1.0 less the value in paragraph (a).

1886 (c) The full-time equivalent student enrollment value in  
 1887 sub-subparagraph (1)(c)2.a.

1888 Section 29. Paragraph (i) of subsection (1) of section  
 1889 1011.62, Florida Statutes, is amended to read:

1890 1011.62 Funds for operation of schools.—If the annual  
 1891 allocation from the Florida Education Finance Program to each  
 1892 district for operation of schools is not determined in the  
 1893 annual appropriations act or the substantive bill implementing  
 1894 the annual appropriations act, it shall be determined as  
 1895 follows:

1896 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
 1897 OPERATION.—The following procedure shall be followed in

1898 | determining the annual allocation to each district for  
 1899 | operation:  
 1900 |       (i) Calculation of full-time equivalent membership with  
 1901 | respect to dual enrollment instruction.—Students enrolled in  
 1902 | dual enrollment instruction pursuant to s. 1007.271 may be  
 1903 | included in calculations of full-time equivalent student  
 1904 | memberships for basic programs for grades 9 through 12 by a  
 1905 | district school board. Instructional time for dual enrollment  
 1906 | may vary from 900 hours; however, the full-time equivalent  
 1907 | student membership value shall be subject to the provisions in  
 1908 | ~~school district may only report the student for a maximum of 1.0~~  
 1909 | ~~full-time equivalent student membership, as provided in s.~~  
 1910 | 1011.61(4). Dual enrollment full-time equivalent student  
 1911 | membership shall be calculated in an amount equal to the hours  
 1912 | of instruction that would be necessary to earn the full-time  
 1913 | equivalent student membership for an equivalent course if it  
 1914 | were taught in the school district. Students in dual enrollment  
 1915 | courses may also be calculated as the proportional shares of  
 1916 | full-time equivalent enrollments they generate for a Florida  
 1917 | College System institution or university conducting the dual  
 1918 | enrollment instruction. Early admission students shall be  
 1919 | considered dual enrollments for funding purposes. Students may  
 1920 | be enrolled in dual enrollment instruction provided by an  
 1921 | eligible independent college or university and may be included  
 1922 | in calculations of full-time equivalent student memberships for  
 1923 | basic programs for grades 9 through 12 by a district school  
 1924 | board. However, those provisions of law which exempt dual  
 1925 | enrolled and early admission students from payment of

1926 instructional materials and tuition and fees, including  
 1927 laboratory fees, shall not apply to students who select the  
 1928 option of enrolling in an eligible independent institution. An  
 1929 independent college or university which is located and chartered  
 1930 in Florida, is not for profit, is accredited by the Commission  
 1931 on Colleges of the Southern Association of Colleges and Schools  
 1932 or the Accrediting Council for Independent Colleges and Schools,  
 1933 and confers degrees as defined in s. 1005.02 shall be eligible  
 1934 for inclusion in the dual enrollment or early admission program.  
 1935 Students enrolled in dual enrollment instruction shall be exempt  
 1936 from the payment of tuition and fees, including laboratory fees.  
 1937 No student enrolled in college credit mathematics or English  
 1938 dual enrollment instruction shall be funded as a dual enrollment  
 1939 unless the student has successfully completed the relevant  
 1940 section of the entry-level examination required pursuant to s.  
 1941 1008.30.

1942 Section 30. Section 1011.622, Florida Statutes, is created  
 1943 to read:

1944 1011.622 Adjustments for students without a common student  
 1945 identifier.—For a student without a common student identifier  
 1946 who transfers from a public school district or the Florida  
 1947 Virtual School to another public school district or the Florida  
 1948 Virtual School, the Department of Education shall decrease the  
 1949 Florida Education Finance Program funds from the district or the  
 1950 Florida Virtual School which the student attended prior to the  
 1951 transfer.

1952 Section 31. Subsection (10) of section 1011.80, Florida  
 1953 Statutes, is amended to read:

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2013

1954 1011.80 Funds for operation of workforce education  
 1955 programs.—  
 1956 (10) A high school student dually enrolled under s.  
 1957 1007.271 in a workforce education program operated by a Florida  
 1958 College System institution or school district career center  
 1959 generates the amount calculated for workforce education funding,  
 1960 including any payment of performance funding, and the  
 1961 proportional share of full-time equivalent enrollment generated  
 1962 through the Florida Education Finance Program for the student's  
 1963 enrollment in a high school. If a high school student is dually  
 1964 enrolled in a Florida College System institution program,  
 1965 including a program conducted at a high school, the Florida  
 1966 College System institution earns the funds generated for  
 1967 workforce education funding, and the school district earns the  
 1968 proportional share of full-time equivalent funding from the  
 1969 Florida Education Finance Program. If a student is dually  
 1970 enrolled in a career center operated by the same district as the  
 1971 district in which the student attends high school, that district  
 1972 earns the funds generated for workforce education funding and  
 1973 also earns the proportional share of full-time equivalent  
 1974 funding from the Florida Education Finance Program. If a student  
 1975 is dually enrolled in a workforce education program provided by  
 1976 a career center operated by a different school district, the  
 1977 funds must be divided between the two school districts  
 1978 proportionally from the two funding sources. A student may not  
 1979 be reported for funding in a dual enrollment workforce education  
 1980 program unless the student has completed the basic skills  
 1981 assessment pursuant to s. 1004.91. A student who is coenrolled

1982 in a K-12 education program and an adult education program may  
 1983 ~~not~~ be reported for purposes of funding in an adult education  
 1984 program if the student is, ~~except that for the 2011-2012 and~~  
 1985 ~~2012-2013 fiscal years, students who are~~ coenrolled in core  
 1986 curricula courses for credit recovery or dropout prevention  
 1987 purposes and does ~~do~~ not have a pattern of excessive absenteeism  
 1988 or habitual truancy or a history of disruptive behavior in  
 1989 school, and the student may be reported for funding for up to  
 1990 two courses per year student. Such a student is ~~students are~~  
 1991 exempt from the payment of the block tuition for adult general  
 1992 education programs provided in s. 1009.22(3)(c). The Department  
 1993 of Education shall develop a list of courses to be designated as  
 1994 core curricula courses for the purposes of coenrollment.

1995 Section 32. Section 1011.815, Florida Statutes, is created  
 1996 to read:

1997 1011.815 Guidelines for general funds.-

1998 (1) Each Florida College System institution shall maintain  
 1999 a general fund ending fund balance that is sufficient to address  
 2000 normal contingencies and to meet the requirements in s.  
 2001 1011.84(3)(e).

2002 (2) If at any time the portion of the general fund's  
 2003 ending fund balance in the institution's approved operating  
 2004 budget is projected to fall below 3 percent of the projected  
 2005 general fund revenues during the current fiscal year, the  
 2006 president of the institution shall provide written notification  
 2007 to the State Board of Education and the Chancellor of the  
 2008 Florida College System.

2009 (3) If at any time the portion of the general fund's

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2013

2010 ending fund balance in the institution's approved operating  
 2011 budget is projected to fall below 2 percent of projected general  
 2012 fund revenues during the current fiscal year, the president of  
 2013 the institution shall provide written notification to the State  
 2014 Board of Education and the Chancellor of the Florida College  
 2015 System. Within 14 days after receiving such notification, if the  
 2016 chancellor determines that the institution does not have a plan  
 2017 that is reasonably anticipated to avoid a financial emergency as  
 2018 determined pursuant to s. 218.503, the chancellor shall appoint  
 2019 a financial emergency board that shall operate under the  
 2020 requirements, powers, and duties specified in s. 218.503(3)(g).

2021 Section 33. Subsection (4) of section 1012.885, Florida  
 2022 Statutes, is amended to read:

2023 1012.885 Remuneration of Florida College System  
 2024 institution presidents; limitations.—

2025 (4) LIMITATION ON REMUNERATION.—Notwithstanding the  
 2026 provisions of this section, ~~for the 2012-2013 fiscal year,~~ a  
 2027 Florida College System institution president may not receive  
 2028 more than \$200,000 in remuneration from appropriated state  
 2029 funds. Only compensation, as defined in s. 121.021(22), provided  
 2030 to a Florida College System institution president may be used in  
 2031 calculating benefits under chapter 121.

2032 Section 34. Effective upon this act becoming a law,  
 2033 subsection (4) of section 1012.886, Florida Statutes, is amended  
 2034 to read:

2035 1012.886 Remuneration of Florida College System  
 2036 institution administrative employees; limitations.—

2037 ~~(4) EXPIRATION. This section expires June 30, 2013.~~

2038 Section 35. Subsection (4) of section 1012.975, Florida  
 2039 Statutes, is amended to read:

2040 1012.975 Remuneration of state university presidents;  
 2041 limitations.—

2042 (4) LIMITATION ON REMUNERATION.—Notwithstanding the  
 2043 provisions of this section, ~~for the 2012–2013 fiscal year,~~ a  
 2044 state university president may not receive more than \$200,000 in  
 2045 remuneration from public funds. Only compensation, as defined in  
 2046 s. 121.021(22), provided to a state university president may be  
 2047 used in calculating benefits under chapter 121.

2048 Section 36. Effective upon this act becoming a law,  
 2049 subsection (4) of section 1012.976, Florida Statutes, is amended  
 2050 to read:

2051 1012.976 Remuneration of state university administrative  
 2052 employees; limitations.—

2053 ~~(4) EXPIRATION. This section expires June 30, 2013.~~

2054 Section 37. Notwithstanding s. 411.01, Florida Statutes,  
 2055 school readiness program eligibility and enrollment shall be as  
 2056 follows:

2057 (1) Effective August 1, 2013, or upon reevaluation of  
 2058 eligibility for children currently served, whichever is later,  
 2059 each early learning coalition shall give priority for  
 2060 participation in the school readiness program as follows:

2061 (a) Priority shall be given first to a child younger than  
 2062 13 years of age from a working family that includes a parent  
 2063 receiving temporary cash assistance under chapter 414, Florida  
 2064 Statutes, and subject to the federal work requirements or a  
 2065 parent who transitions from the work program into employment as

2066 described in s. 445.032, Florida Statutes.

2067 (b) Priority shall be given next to an at-risk child  
 2068 younger than 9 years of age.

2069 (c) Priority shall be given next to a child from birth to  
 2070 the beginning of the school year for which the child is eligible  
 2071 for admission to kindergarten in a public school under s.  
 2072 1003.21(1)(a)2., Florida Statutes, from a working family that is  
 2073 economically disadvantaged. However, the child ceases to be  
 2074 eligible if his or her family income exceeds 200 percent of the  
 2075 federal poverty level.

2076 (d) Priority shall be given next to an at-risk child who  
 2077 is at least 9 years of age but younger than 13 years of age. An  
 2078 at-risk child whose sibling is enrolled in the school readiness  
 2079 program within an eligibility priority category listed in  
 2080 paragraphs (a)-(c) shall be given priority over other children  
 2081 who are eligible under this paragraph.

2082 (e) Priority shall be given next to a child who has  
 2083 special needs, has been determined eligible as a student with  
 2084 disabilities, has a current individual education plan with a  
 2085 Florida school district, and is not younger than 3 years of age.  
 2086 A special needs child eligible under this paragraph remains  
 2087 eligible until the child is eligible for admission to  
 2088 kindergarten in a public school under s. 1003.21(1)(a)2.

2089 (f) Priority shall be given next to a child who is younger  
 2090 than 13 years of age from a working family that is economically  
 2091 disadvantaged. A child who is eligible under this paragraph  
 2092 whose sibling is enrolled in the school readiness program under  
 2093 paragraph (c) shall be given priority over other children who

2094 are eligible under this paragraph.

2095 (g) Notwithstanding paragraphs (a)-(d), priority shall be  
 2096 given last to a child who otherwise meets one of the eligibility  
 2097 criteria in paragraphs (a)-(d) but who is also enrolled  
 2098 concurrently in the federal Head Start Program or the Voluntary  
 2099 Prekindergarten Education Program.

2100 (2) A school readiness provider may be paid only for  
 2101 authorized hours of care provided for a child in the school  
 2102 readiness program. A child enrolled in the Voluntary  
 2103 Prekindergarten Education Program may receive care from the  
 2104 school readiness program if the child is eligible according to  
 2105 the eligibility priorities in this section.

2106 (3) An early learning coalition shall enroll all eligible  
 2107 children, including those from its uniform waiting list,  
 2108 according to the eligibility priorities in this section.

2109 (4) The parent of a child enrolled in the school readiness  
 2110 program must notify the early learning coalition or its designee  
 2111 within 10 days after any change in employment, income, or family  
 2112 size. Upon notification by the parent, the child's eligibility  
 2113 must be reevaluated.

2114 (5) A child whose eligibility priority category requires  
 2115 the child to be from a working family ceases to be eligible for  
 2116 the school readiness program if a parent with whom the child  
 2117 resides does not reestablish employment within 30 days after  
 2118 becoming unemployed.

2119 (6) Eligibility for each child must be reevaluated  
 2120 annually. Upon reevaluation, a child may not continue to receive

2121 school readiness services if he or she ceases to be eligible  
 2122 under this subsection.

2123 (7) If a coalition disenrolls children from the school  
 2124 readiness program, the coalition must disenroll the children in  
 2125 reverse order of the eligibility priorities listed in subsection  
 2126 (1), beginning with children from families with the highest  
 2127 family incomes. A notice of disenrollment must be sent to  
 2128 parents and school readiness providers at least 2 weeks before  
 2129 disenrollment to provide adequate time for parents to arrange  
 2130 alternative care for their children. However, an at-risk child  
 2131 may not be disenrolled from the program without the written  
 2132 approval of the Family Safety Program Office of the Department  
 2133 of Children and Families or the community-based lead agency.

2134 (8) If a child is absent from the program for 5  
 2135 consecutive days without parental notification to the program of  
 2136 such absences, the school readiness provider shall report the  
 2137 absences to the early learning coalition for a determination of  
 2138 the need for continued care.

2139 (9) Notwithstanding s. 39.604, Florida Statutes, a school  
 2140 readiness provider, regardless of whether the provider is  
 2141 licensed, shall comply with the reporting requirements of the  
 2142 Rilya Wilson Act for each at-risk child under the age of school  
 2143 entry enrolled in the school readiness program.

2144 Section 38. (1) Notwithstanding s. 411.01, Florida  
 2145 Statutes, funding for the school readiness program shall be  
 2146 allocated among the early learning coalitions in accordance with  
 2147 this section and the General Appropriations Act.

2148 (2) The Division of Early Learning shall administer school

2149 | readiness funds and shall prepare and submit a unified budget  
 2150 | request for the school readiness system in accordance with  
 2151 | chapter 216, Florida Statutes.

2152 | (3) All instructions to early learning coalitions for  
 2153 | administering this section shall emanate from the Division of  
 2154 | Early Learning in accordance with the policies of the  
 2155 | Legislature.

2156 | (4) All cost savings and all revenues received through a  
 2157 | mandatory sliding fee scale shall be used to increase the number  
 2158 | of children served.

2159 | (5) All state, federal, and required local maintenance-of-  
 2160 | effort or matching funds provided to an early learning coalition  
 2161 | for purposes of this section shall be used for implementation of  
 2162 | its approved school readiness plan, including the hiring of  
 2163 | staff to effectively operate the coalition's school readiness  
 2164 | program.

2165 | (6) Costs shall be kept to the minimum necessary for the  
 2166 | efficient and effective administration of the school readiness  
 2167 | program with the highest priority of expenditure being direct  
 2168 | services for eligible children. However, no more than 5 percent  
 2169 | of the funds described in subsection (5) may be used for  
 2170 | administrative costs, and, except as otherwise specified in the  
 2171 | General Appropriations Act, no more than 18 percent of the funds  
 2172 | described in subsection (5) may be used for any combination of  
 2173 | administrative costs, quality activities, and nondirect services  
 2174 | as follows:

2175 | (a) Administrative costs as described in 45 C.F.R. s.  
 2176 | 98.52.

2177 (b) Activities to improve the quality of child care as  
 2178 described in 45 C.F.R. s. 98.51, which shall be limited to the  
 2179 following:

2180 1. Developing, establishing, expanding, operating, and  
 2181 coordinating resource and referral programs specifically related  
 2182 to the provision of comprehensive consumer education to parents  
 2183 and the public regarding participation in the school readiness  
 2184 program.

2185 2. Awarding grants to school readiness providers to assist  
 2186 them in meeting applicable state requirements for child care  
 2187 performance standards, implementing developmentally appropriate  
 2188 curricula and related classroom resources that support  
 2189 curricula, providing literacy supports, and providing  
 2190 professional development.

2191 3. Providing training and technical assistance for school  
 2192 readiness providers, staff, and parents on child performance  
 2193 standards, child screenings, child assessments, developmentally  
 2194 appropriate curricula, character development, teacher-child  
 2195 interactions, age-appropriate discipline practices, health and  
 2196 safety, nutrition, first aid, the recognition of communicable  
 2197 diseases, and child abuse detection and prevention.

2198 4. From among the funds provided for the activities  
 2199 described in subparagraphs 1.-3., providing adequate funding for  
 2200 infants and toddlers as necessary to meet federal requirements  
 2201 related to expenditures for quality activities for infant and  
 2202 toddler care.

2203 5. Monitoring providers using a standardized methodology  
 2204 adopted by the Department of Education to improve compliance

2205 with state and federal regulations and law pursuant to the  
 2206 requirements of the statewide provider contract adopted by the  
 2207 department.

2208 6. Assisting the provider in implementing a pre-assessment  
 2209 and post-assessment.

2210 7. Responding to Warm-Line requests by providers and  
 2211 parents related to school readiness children, including  
 2212 providing developmental and health screenings to school  
 2213 readiness children.

2214 (c) Nondirect services as described in 63 Fed. Reg. 39962-  
 2215 39963 (July 24, 1998) and applicable Office of Management and  
 2216 Budget instructions required to administer the school readiness  
 2217 program. Such services include, but are not limited to:

2218 1. Assisting families to complete the required application  
 2219 and eligibility documentation.

2220 2. Determining child and family eligibility.

2221 3. Recruiting eligible child care providers.

2222 4. Processing and tracking attendance records.

2223 5. Developing and maintaining a statewide childcare  
 2224 information system.

2225  
 2226 As used in this paragraph, the term "nondirect services" does  
 2227 not include payments to school readiness providers for direct  
 2228 services provided to children who are eligible under subsection  
 2229 (1) of section 37 of this act, administrative costs described in  
 2230 paragraph (a), or quality activities described in paragraph (b).

2231 (7) State funds appropriated for the school readiness  
 2232 program may not be used for the construction of new facilities

2233 | or the purchase of buses.

2234 |       (8) Beginning in the 2014-2015 fiscal year, all state-  
 2235 | appropriated funding for the school readiness program shall be  
 2236 | allocated to early learning coalitions based on the average  
 2237 | prior year enrollment and the uniform waiting list as adopted by  
 2238 | the Early Learning Programs Estimating Conference pursuant to s.  
 2239 | 216.136(8), Florida Statutes, and using the average market rate  
 2240 | by program care level and provider type pursuant to section 39  
 2241 | of this act.

2242 |       Section 39. Notwithstanding s. 411.01013, Florida  
 2243 | Statutes, the school readiness market rate schedule shall be  
 2244 | implemented as follows:

2245 |       (1) As used in this section, the term:

2246 |       (a) "Average market rate" means the biannually determined  
 2247 | average of the market rate by program care level and provider  
 2248 | type in a predetermined geographic market.

2249 |       (b) "Market rate" means the price that a child care  
 2250 | provider charges for daily, weekly, or monthly child care  
 2251 | services.

2252 |       (2) The Division of Early Learning shall establish  
 2253 | procedures for the adoption of a market rate schedule. The  
 2254 | schedule must include, at a minimum, county-by-county rates:

2255 |       (a) The market rate, including the minimum and the maximum  
 2256 | rates for child care providers that hold a Gold Seal Quality  
 2257 | Care designation under s. 402.281, Florida Statutes.

2258 |       (b) The market rate for child care providers that do not  
 2259 | hold a Gold Seal Quality Care designation.

2260 |       (3) The market rate schedule, at a minimum, must:

2261 (a) Differentiate rates by type, including, but not  
 2262 limited to, a child care provider that holds a Gold Seal Quality  
 2263 Care designation under s. 402.281, Florida Statutes, a child  
 2264 care facility licensed under s. 402.305, Florida Statutes, a  
 2265 public or nonpublic school exempt from licensure under s.  
 2266 402.3025, Florida Statutes, a faith-based child care facility  
 2267 exempt from licensure under s. 402.316, Florida Statutes, that  
 2268 does not hold a Gold Seal Quality Care designation, a large  
 2269 family child care home licensed under s. 402.3131, Florida  
 2270 Statutes, or a family day care home licensed or registered under  
 2271 s. 402.313, Florida Statutes.

2272 (b) Differentiate rates by the type of child care services  
 2273 provided for children with special needs or risk categories,  
 2274 infants, toddlers, preschool-age children, and school-age  
 2275 children.

2276 (c) Differentiate rates between full-time and part-time  
 2277 child care services.

2278 (d) Consider discounted rates for child care services for  
 2279 multiple children in a single family.

2280 (4) The market rate schedule must be based exclusively on  
 2281 the prices charged for child care services.

2282 (5) The market rate schedule shall be considered by an  
 2283 early learning coalition in the adoption of a payment schedule.  
 2284 The payment schedule must take into consideration the average  
 2285 market rate, include the projected number of children to be  
 2286 served, and be submitted for approval by the Division of Early  
 2287 Learning. Informal child care arrangements shall be reimbursed  
 2288 at not more than 50 percent of the rate adopted for a family day

2289 care home.

2290 (6) The Division of Early Learning may contract with one  
 2291 or more qualified entities to administer this section and  
 2292 provide support and technical assistance for child care  
 2293 providers.

2294 (7) The Division of Early Learning may adopt rules for  
 2295 establishing procedures for the collection of child care  
 2296 providers' market rate, the calculation of the average market  
 2297 rate by program care level and provider type in a predetermined  
 2298 geographic market, and the publication of the market rate  
 2299 schedule.

2300 Section 40. Notwithstanding the required review by the  
 2301 Legislative Budget Commission pursuant to s. 1003.03(4)(c),  
 2302 Florida Statutes, for the 2012-2013 fiscal year, the alternate  
 2303 compliance calculation amounts to the class size operating  
 2304 categorical fund authorized by s. 1003.03(4)(c), Florida  
 2305 Statutes, shall be the reduction calculation required by s.  
 2306 1003.03(4), Florida Statutes. The Commissioner of Education  
 2307 shall modify payments to school districts as required by s.  
 2308 1003.03(4), Florida Statutes, for the 2012-2013 fiscal year.  
 2309 This section shall take effect upon this act becoming a law.

2310 Section 41. Except as otherwise expressly provided in this  
 2311 act and except for this section, which shall take effect upon  
 2312 this act becoming a law, this act shall take effect July 1,  
 2313 2013.